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On the *De Regno* of St. Thomas Aquinas

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ON THE *DE REGNO* OF ST. THOMAS AQUINAS

by

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On the *De Regno* of St. Thomas Aquinas

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Can explicitly Christian principles be invoked and put into practice in political life without thereby rendering that politics fideistic, exclusionary and immoderate? Could such principles in fact strengthen the rule of reason in politics? Many secular and Christian thinkers agree that the answers to these questions must be no, only parting ways on their practical conclusions. But Aquinas' much-neglected *De Regno* suggests the matter is not so simple. In his careful pedagogical structuring of *De Regno*, Aquinas opens up the possibility of a kind of dialogue between convention, reason and revelation, one that permits him to propose and reformulate his political teachings according to diverse but convergent principles. I aim to develop an account of Aquinas' political teaching that reveals itself as indebted to revelation for its principles but grounded in and open to reason, and thus neither irrational, exclusionary nor immoderate. I will focus particularly on his treatment of the natural law.

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Introduction

In this study I undertake two tasks: to develop a reading of the *De Regno* of Thomas Aquinas, and thereby to inquire into the rationality that informs Aquinas' political thought. Particularly I want to ask the following: Can explicitly Christian principles be invoked and put into practice in political life without thereby rendering that politics fideistic, exclusionary and immoderate? Could such principles in fact strengthen the rule of reason in politics?

Many secular and Christian thinkers agree that the answers to these latter questions must be no, parting ways only on their practical conclusions. One finds no shortage of suggestions that Christianity, whether classical or modern, has little wisdom for the political problems of our times, either because it is simply outmoded, or because it is dangerously irrational. This is an academic opinion, of course, but also one of great popular currency.[1] As to Christians, there are some who fundamentally accept some version of the Enlightenment critique of Christianity and thus favor liberal democracy over any sort of Christian politics, and indeed may see liberal modernity as the natural heir of Christianity, at least in its Protestant and Catholic-humanistic forms.[2] There are some who see some form of theocracy as the only possible sort of Christian politics.[3]

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1 Without going back to Gibbon, Hume or Voltaire, one might cite Rawls 1971 or Rorty 1999, but on a more popular level best expressed in JFK's infamous 1960 Houston speech, which resembles in many ways Jefferson's vision of American politics in his 1802 Letter to the Danbury Baptists.

2 This seems to be something like the opinion of Lord Acton 1877 and Novak 1990, 107. See Craycraft 1994, but cf. Murray 1960, 32.

3 A serious statement of the former is Finnis 1980, and, along more theological lines, the works of Hans Küng, particularly after 1971, and Leonardo Boff's *Church: Charism and Power*. Such thinking in the U.S. has a curiously wide popular platform in the writings of lapsed Catholics, including Andrew Sullivan, Bill Keller and Maureen Dowd. The

But Aquinas' much-neglected *De Regno* suggests the matter is not so simple. In his careful pedagogical structuring of *De Regno*, Aquinas opens up the possibility of a kind of dialogue between convention, reason and revelation, one that permits him to propose and reformulate his political teachings according to diverse but convergent principles. I aim to develop an account of Aquinas' political teaching that reveals itself as indebted to both revelation and reason for its principles, and thus neither irrational, exclusionary nor immoderate.

Indeed, the task of recovering such a vision of Thomistic politics has not been aided by the late arrival of his primary political work, *De Regno* or *On Kingship*. Long circulated as part of a larger work devised by one of his students, Ptolemy of Lucca's *De Regimine Principium*, Aquinas' *De Regno* was first presented apart from this other work only in 1931 in French, with an English version in 1935, and a substantial revision of the English following in 1949.[4] Yet the content of this "new" text has been difficult to square with his other works, and questions linger as to the proper ordering of the text extracted from Ptolemy's elaborations.[5] While some scholars have consequently restricted themselves to cautious treatments of narrow facets of *De Regno*, others have come close to rejecting the work entirely, most notably John Finnis. In short, *De Regno*'s career has not been much brighter for the light shed on it.[6]

"theocratic" positions includes those of Carl Schmitt (especially *Political Theology II*), Milbank 1990 and Kozinski 2010.

4 The French is Roguet 1931; Phelan 1935 and Eschmann 1949 are the English.

5 Spearheaded by Eschmann, the study of these apparent differences concern in chief the relation of the temporal and spiritual powers (Eschmann 1958) and the relative emphasis of Aristotle and Averroes in the initial chapters (Eschmann 1949, 4, footnote 3).

6 Since its rescue from *De Regimine Principum*, *De Regno* has been included in a few sourcebooks of mediaeval political thought, but that has not had appreciably influenced its influence(cf. Lerner and Mahdi, 1972; O'Donovan and O'Donovan 1999 and Regan 2002).

Yet I argue that *De Regno* offers an invaluable and unique perspective on Aquinas' political theory. Four facts about *De Regno* supply reasons for studying it in the light of our questions: *De Regno* is a neglected text; it is a practical work; the few disputes that have arisen over its interpretation center around whether it is philosophical or theological; and it borrows heavily from both Aristotle and Augustine.

First, the neglect of *De Regno*. For good reason, the *Secunda Pars* of the *Summa Theologiae* has pride of place among interpreters of Aquinas's political thought. Indeed, as we shall see, there is much to be gained in turning to the *Summa* even in a study of *De Regno*. It cannot be denied, however, that a *ressourcement* attitude toward the study of Aquinas, which is to say to read Aquinas rather than his interpreters, has considerable merit. Because *De Regno* has been historically neglected, we can short-circuit a great many debates over the structure and meaning of the *Summa Theologiae* that have bogged down countless interpreters.[7] I moreover argue that a study of a relatively "new" work of Aquinas can reinvigorate debate on his other politically relevant works, looking not only to his *Questions on Law* in the *Prima Secundae*, but his commentaries on Aristotle's *Nicomachean Ethics* and *Politics*, as well as his Scriptural commentaries, e.g. on the Letter to the Romans.[8] Such study will give us a more dynamic picture of Aquinas' political thought, one that exposes the development of his thought, his changing emphases and sources, and perhaps even changes of heart.

Second, *De Regno* is a practical work. *De Regno* is Aquinas' longest political work, and in fact his only freestanding one.[9] *De Regno*, again, is a letter written to a

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7 Di Blasi 2006 is a remarkable feat along these lines.

8 See Guerra 2002 for the place of the *Questions on Law* in Aquinas' political thought, and Maritain's 1955 (62-5) on the commentaries.

9 The *Commentary on the "Politics"* is famously incomplete, and while Aquinas' *Commentary on the "Ethics"* is a rich and varied practical work, Aquinas therein does not consider the regime as explicitly as he does in *De Regno*. One can grant that Aquinas'

prince.[10] If this is a letter to a prince, how ought it to be read? What would this prince derive from reading it? Aquinas might not have known much about this king or his kingdom, but certainly he knew that he was writing a letter meant to be of practical value for a Norman war baron attempting to show up his royal prerogative, and not an abstract delineation of theoretical principles for theology students at the University of Paris. For this reason, I suspect that *De Regno* will be a particularly valuable example of how Aquinas takes his theological teachings to be relevant in practical affairs. If he would teach the prince toward a better regime, what king of reform does Aquinas envision? Is it peaceful and tolerant? Is it violent and intolerant? How, in short, does it accommodate political actors already *in situ*? We will also have to ask how Aquinas makes his teachings agreeable to someone he could not assume to be particularly intelligent or virtuous. Thus what makes *De Regno* so attractive for our purposes is that one sees in it Aquinas wrestling with several practical tensions in political life that any polity will have to address. I hope to make this case particularly with his nuanced treatment of tyranny.

Of course to call it "practical" is one thing; it is another to ask whether it is practical theology or philosophy. This has been the flashpoint in discussion about *De Regno*. As one of many *specula principum* (mirrors of princes) written in the mediaeval ages, *De Regno* has often been invoked in the defense of various programs, sometimes proto-Gallican, sometimes avowedly hierocratic.[11] Yet the few 20th-century studies on it

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Letter to the Duchess of Brabant is something like a freestanding political work, as we will explore later.

10 Eschmann 1949, xxx-xxxi.

11 Ironically, one of the first works to cite *De Regno* came as a defense of Philip the Fair's campaign against the Papacy, in John of Paris' *De potestate regia et papali*. John of Paris, also known as Quidort, argues that political and religious matters are not only formally but materially distinct, and that the Church lacks any temporal authority even indirectly as it bears upon the spiritual. Yet a king can depose a pope for temporal reasons. This he concludes from arguments that the moral virtues can be perfected

have taken pains to emphasize that *De Regno* cannot be read as "an independent treatise on political philosophy," or even deny that it has a political teaching.[12] This conversation tends to conflate "theological" with "speculative" and "philosophical" with "practical" or "political". If *De Regno* does turn out to be primarily theological, these arguments assume, then it has no substantial bearing on politics.[13] The assumption that theology has no practical relevance is unwarranted. Moreover, no full reading of *De Regno* has been undertaken, and the tantalizing passages on the relation between the political and ecclesial communities (Church and State) have been studied largely in isolation from the overall text.[14] Again, then, I intend to show that this discussion of the relation between philosophy and theology is as useful for our understanding of *De Regno* as it is for the larger question of the nature of practical philosophy within Aquinas' work.

Lastly, I turn to *De Regno* because of its relevance to understanding Aquinas' knowledge and use of Aristotle and Augustine. As is well-attested, Aristotle and Augustine influenced Aquinas' thought perhaps more than anyone short of the Holy Spirit.[15] While their mark on Aquinas' works is wide-ranging, it is not always clear how

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without charity, and that perfect justice is attainable on earth through man's exertions. If these arguments are not Aquinas', it will be worth asking how *De Regno* can be interpreted in such fashions.

12 Jordan 1992, 163.

13 Aquinas says at *ST* I, q.1 a. 4 that *sacra doctrina*, which is roughly theology, is primarily speculative, not practical, but is practical in so far as it touches upon practical activity from the perspective of God.

14 Eschmann 1958, Fitzgerald 1979, Boyle 2002

15 Pinckaers 1995, 134; 174; MacIntyre 1984, 177-80. While to my knowledge, Charles McCoy never made this claim explicit, I take it to be in keeping with I.V of his *Structure of Political Thought* (1963), to which I will have occasion to turn in this study. We should note that some scholars see Aquinas as primarily indebted only to one of these two thinkers. For Manent (1996, 11-12) and Fortin (1996, 199-222), Aquinas fundamentally breaks with Augustine in his (unsuccessful) use of Aristotle. For Radical Orthodoxy scholars (Milbank 1990, Rowland 2003), Aquinas is the Augustinian *par excellence*.

Aquinas conceives of their relation, especially concerning politics.[16] To reduce the thinkers to crude yet pervasive caricatures, how can one harmonize two political teachings, one of which elevates politics above convention and sophistry to the natural, and the other of which seems to deny any sort of "nature" that can cohere without grace? In a work such as *De Regno*, in which Aquinas purports to treat of the regime as such, we will want to be attentive to whether and how Aquinas reconciles these seemingly contradictory strands of his intellectual heritage. While a survey of the influence of Augustine and Aristotle on Aquinas would require a separate study, bearing this question in mind will allow us to inquire more deeply into how Aquinas views the relation between politics as natural (Aristotle) and politics as marked by beatitude and sin (Augustine). As we will see, *De Regno* bears clear signals of both ways of so viewing the political activity of man.

Granted that we ought to study *De Regno*, what do we know about it? No study of *De Regno* could avoid beginning with the pioneering scholarship of I. Th. Eschmann, whose work brought to light numerous inconsistencies in the Latin manuscripts and raised invaluable questions about the meaning and structure of the text. He lays out his critique of *De Regno* in two places: the introduction to his 1949 revision of Gerald Phelan's translation, and a 1958 article comparing *De Regno* with Aquinas' *Scriptum super Sententiis*. In his introduction to that translation, he identifies several obstacles to gaining a proper understanding of the text, but for our purposes we can limit ourselves to a consideration of two sets of problems: structure and audience.

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16 Note that this is a question of interest for the *Summa Theologiae* as well. For if Aquinas' political thought in the *Summa* can easily be characterized as Aristotelian, with its focus on law as the rule of reason, it still betrays strong influences of Augustine, particularly in the *Questions on Law* relating to the Old Law (*ST* I-II.98-105).

De Regno, a tract on kingship written by Aquinas for the Norman Crusader-king of Cyprus, probably in the early 1260s, a fruitful period during which he had read Aristotle's *Politics* but had not yet begun working on his more famous practical works, including the *Questions on Law* in the *Summa Theologiae*.[17] *De Regno* was perhaps undertaken to encourage the Cypriot royal house to look favorably upon the expanding Dominican presence in the Levant. In other words, this kingdom was to become a strategic maritime base for the expansion of Western Christendom, particularly through its most worthy exponents, the Order of Preachers. The composition of *De Regno* was therefore itself something of a political act.[18]

It comprises a brief prooemium or opening introduction and twenty chapters, with the first twelve in Book I (I.1-12) and the latter eight in Book II (II.1-8). *De Regno* has for most of its history been known only through or in spite of its concealment within a text worked out by a student of Aquinas', Ptolemy of Lucca. There need not have been anything sinister in Ptolelmy's intentions: mediaeval authors regularly embellished and completed each other's works, with a greater concern for finishing a job, for avoiding the *horror vacui*, than for the concern we have today, namely for preserving the integrity of a text as it was received from a canonical author.[19] The work known to us as *De Regno* results from a centuries-long process of extricating it from Ptolemy's work. Yet certain gaps even in the current text, Eschmann urges, reveal the incompleteness of the work. Most glaringly, in the prooemium Aquinas promises to discuss two subjects: the "origin of kingship" (*regni originem*) and "the things which pertain to the office of a king" (*ea quae ad regis officium pertinent*). Yet Aquinas does not execute this plan, Eschmann

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17 Eschmann 1949, xxvi-xxx

18 Eschmann 1949, xxx-xxxi; Hill 1948, 305, footnote 2; 27

19 Blythe 1997; Eschmann 1949, ix-xii.

argues, because the last chapters of Book I concern not the origin of kingship, but rather its reward and the punishment for tyranny. The reward of the king is a practical rather than a theoretical consideration, and thus belongs in Book II, with "the things which pertain to the office of the king." This section, I.7-12, was in fact set up as a distinct book, *De Praemio Regis* (or "The Reward of the King"), by at least one medieval compiler of the text.

What can we make of this claim? Prima facie, Eschmann could have a case, although we might wonder if we simply lack a text between I.6 and I.7 that justifies this organization. Further, as Mark Jordan notes, this section could easily be transposed to Book II without threat to the integrity of the text.[20] But one could also ask if there is no intrinsic connection between the origin of kingship and its reward. As a letter written for a king, would we not expect Aquinas to link closely the king's reward with the pre-conditions for its attainment? As Roguet explains, this text is in part a "pedagogical tract", although Eschmann heatedly rejects this characterization because it could, he fears, lead one to take a section such as "The Reward of the King" for a mere "exhortative sermon."[21]

Eschmann does recognize the significance of the audience of *De Regno* in other respects, particularly why Aquinas would write this work for a king of Cyprus and whether the text reflects an awareness of Cypriot politics. Yet he ignores a more obvious question: if this is a letter to a prince, how ought it to be read? Aquinas might not have known this king personally, and he might not have been knowledgeable about the young Crusader kingdom planted on that island, but certainly he knew that he was writing a

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20 Jordan 1992, 161-2

21 Roguet 1931, vii; Eschmann 1949, xvii

letter meant to be of practical value for a Norman baron, and not an abstract delineation of theoretical principles for advanced theology students at the University of Paris.

While Eschmann's subsequent investigations of *De Regno* center on its compatibility with other works of Aquinas, his concerns about the text's integrity significantly color these studies. In a 1958 piece, he compares *De Regno*'s teaching on the relation of the temporal and spiritual powers with that of Aquinas' *Scriptum super sententiis*. He finds that they contradict one another radically, leading him to worry that *De Regno* is not after all an authentic work of Aquinas.[22] As Finnis notes, the reasons for this radical conclusion are unclear.[23]

If Eschmann viewed *De Regno* as incomplete, and moreover only examines one chapter of *De Regno* in this 1958 article, how far did he expect to come in interpreting it? The key suggestion, if not argument, of Eschmann's article seems to be buried in a footnote, and explains the seemingly disproportionate conclusion of the study. In that note, Eschmann adverts to his earlier doubts about *De Regno*'s structure and lacunae in the 1949 introduction as though he viewed them even then as grounds for questioning Aquinas' authorship.[24] At times one suspects that Eschmann assumes what he sets out to prove.[25]

Mark Jordan engages Eschmann's work in two ways. First, he considers *De Regno*'s structure, rejecting as "extreme" Eschmann's description of the work as "a collection of fragments", and specifically suggests that "The Reward of the King"

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22 Eschmann 1958, 204-5

23 Finnis 1998, 254

24 Eschmann 1958, 195, footnote 60

25 Boyle responds to Eschmann by demonstrating grounds for reconciling these two texts, but misses the heart of Eschmann's trepidation (Boyle 1974, 7-8). Perhaps most revealingly, Boyle sees no difficulty in reconciling the thought of the medieval theologian John of Paris (Quidort) with that of Aquinas (Boyle 2000, 8-11).

belongs after the first chapter of Book II.[26] He compares this proposed ordering of the text with three other works, and finds it representative of the period. Second, Jordan makes it clear that *De Regno* cannot be read as "an independent treatise on political philosophy," thus speaking to a central problem for Eschmann.[27] As Jordan acknowledges, *De Regno* is a *speculum principis*, and so is addressed to a king, as its full title reveals: *De Regno, Ad Regem Cypri* (*On Kingship, to the King of Cyprus*).

Jordan goes on to speculate as to the reasons for Aquinas "abandoning *De regno* in favor of more adequate structures for ethical teaching."[28] This claims rests on a correct premise, namely that *De Regno* is not an academic treatise on political philosophy. Yet how does Jordan advance from that premise to the conclusion that the work is inadequate and was recognized as such by Aquinas? It would seem that one would have to think that a work that was not a treatise could not contain important political teachings, a claim against which I will later argue. Yet Jordan might not want to deny that *De Regno* has a significant political teaching, but rather that such a teaching could be the primary purpose of the work. And this seems to be his point, as he concludes with the suggestion that "Thomas thinks about political matters only within the larger project of a Christian morality… [and] never intended to construct a political theology."[29] This is a reasonable point. Granting its possibility, we might yet wonder if the content of the text itself has as much to say about its moral or theological context as any putative abandonment. After all, if this genre is inadequate to Aquinas' aims, why is that the case? This is not an obvious claim. The most famous *speculum principis*, Machiavelli's *The Prince*, is certainly one of the most original books on politics, and in fact itself a tremendous

26 Jordan 1992, 161
27 Jordan 1992, 163
28 Jordan 1992, 163
29 Jordan 1992, 167-8

innovation on the mirror of princes genre. Yet no one argues that Machiavelli failed because he did not satisfy the conventions of the speculum. Moreover, what precisely was the aim of Aquinas that he found himself unable to fulfill through *De Regno*? We cannot assume that it is the same as that of his other works, precisely because no other works in his oeuvre are quite like *De Regno*. Yet Jordan would undoubtedly agree with these last points. And I accept his chief thesis: *De Regno* is not an academic treatise, and if we are to learn from it we must not treat it as one.

Thus we come to John Finnis' treatment of *De Regno* in his *Aquinas: Moral, Political, and Legal Theory*. Finnis speaks of *De Regno* in two places, with regard to the common good[30] and tyrannicide. While in his treatment of tyrannicide Finnis is understandably advised in his use of the text, and warns against taking it as Aquinas' final word on the subject, he abandons this restraint in his discussion of the common good. Like Eschmann, Finnis relies upon a single chapter from *De Regno*. What is more, he works out a reading of the text not on its own terms, but one that comports with his own controversial interpretation of Aquinas on the common good.[31] He does not, then, argue for a particular teaching of *De Regno*, but only for the possibility of the conformity of isolated statements from it with his own analytic philosophy.[32] As a purported coda to preceding scholarship, Finnis' method thus represents a rejection of *De Regno* not because he refuses to consider it, but rather because he abandons any attempt to discern any central or independent teaching.

Having taken the measure of the extant literature on *De Regno*, we might be inclined to take the view of Mary Keys, that *De Regno* is a peculiar text written for a

30 Finnis 1998, 228-31, 287-8
31 Pakaluk 2001; Wright 2009
32 Finnis 1998, 228

particular audience with which we must exercise great caution. Also, as she notes, the work seems to concern preventing tyranny more than constructing a just regime.[33] This last claim is particularly rich in insights, for if, as Jordan suspects, this work has as much to say about politics' relation to ethics as about politics itself, then perhaps this preoccupation with tyranny relates to what Aquinas sees as the ethical basis and limitations of political rule. Keys thus may be quite right that *De Regno* does not expressly concern the best regime, but why this should be so could prove most revealing. This question alone shows us how little we yet know about *De Regno*, and the stakes in understanding who Aquinas took himself to be writing for and with what purpose.

Thus we can agree with Marc Guerra that the rhetoric and audience of this text must not be neglected.[34] *De Regno* requires a treatment that examines its meaning through the entirety of its structure, is open to the possibility that it is not congruent with all of Aquinas' other works, and especially that *De Regno* might not even be the same sort of genre as those other works. For then it will have to be read on its own terms, as we now propose to do.

I will close this introduction with a word on the structure and strategy of the present study. There are five chapters. Chapters 1-3 constitute a close reading of *De Regno*. While such a dedication of space to close reading will seem excessive to some, it is my contention that *De Regno* deserves to be read carefully and thoughtfully as the great work of politics that it is. If this dissertation does nothing else, it will establish a claim that *De Regno* is worthy of further exploration by scholars more competent than I. I divide *De Regno* into these three chapters according to the tripartite division noted above: I.1-6, I.7-12 and II.

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[33] Keys 2005, 164

[34] Guerra 2002, 9-10

Chapters 4 and 5 are not meant to be applications of the conclusions from 1-3, but rather developments of our understanding of *De Regno* in light of our preliminary reading and with regard to two dominant themes of the work: the natural law and classical political philosophy. In chapters 4 and 5 I respond to two questions: "Why has *De Regno* seemingly nothing to say about natural law?" and "What is the best regime of Thomas Aquinas according to *De Regno*?" This latter question particularly will permit me to consider the ramifications of the political thought of Thomas Aquinas for modernity.

All translations of *De Regno* are mine, from Spiazzi 1954 in consultation with Eschmann 1949 and Roguet 1931. Chapter and paragraph numberings follow Eschmann 1949, with a Roman numeral followed by an Arabic numeral indicating book and chapter, e.g. "I.4" denotes Book I, Chapter 4, and Arabic numerals in parentheses indicate a paragraph number, e.g. (59) cites a quotation coming from paragraph 59. I benefited greatly from the posting of the complete works of Thomas Aquinas undertaken by the "Corpus Thomisticum" project. The Eschmann/Phelan translation has considerable merit, although my own standard, that of Allan Bloom's *Republic*, is not one it meets. I have striven to make this translation as literal as possible, and to indicate any possible alternative translations when such choices lead to divergences in the meaning of the text.

Translations of the *Summa Theologiae* are from the canonical Blackfriars edition, with the occasional emendation noted.

As to the strategy or manner of proceeding, let me make two points, one related to my methodology and one with reference to the "genre" of the text. As to methodology, this dissertation proceeds primarily through exegesis. As a close reading of the text, our study will be attentive to what Aquinas writes and how the individual teachings within the text cohere as a greater whole. As will quickly become apparent, the structure of this work is of signal importance to its argument. Moreover, what Aquinas does not say can

sometimes be just as important as what he does say. As we will see in Chapter 4, Aquinas at times fails to raise issues that his original readers would be surprised to see absent. There will also be themes, for instance tolerance, whose absence from *De Regno* is not as such surprising, yet can be usefully questioned for our own purposes. But all of these suggestions all point to one claim, namely that we should try so far as is possible to allow the text of *De Regno* to direct our understanding of it, rather than the other way around. This outline of my hermeneutic is also a warning to the reader. For if portions of *De Regno* are diffuse or even aporetic, we must bear with this diffuseness in our own analysis of it rather than force premature conclusions from it. This is perhaps most clear with regard to the relation of this text to the *Summa Theologiae*. Let me say *in principio* that we will be best served by training our attentions on *De Regno*, and no less if we hope (eventually) to understand *De Regno* well enough to compare it to other works of Aquinas. In a similar spirit, while I relate sections of *De Regno* to other works of Aquinas, particularly the *Summa Theologiae*, it should be understood that such connections are necessarily provisional. Moreover, the study of *De Regno* will be the more profitable if we do not force ourselves to assume that this great teaching of Aquinas is in these other works rather than *De Regno*, simply because we have studied those other texts for centuries before the revelations of *De Regno* have become known to us.

As for genre, we have noted before that *De Regno* appears to be a kind of *speculum principum*, or mirror of princes. But what manner of education does Aquinas take our king to be in need of? What sorts of teachings will he impart upon our king? I will suggest here that a careful attention to the text will be our ally in this endeavor. For instance, as becomes clear by Book II, in *De Regno* Aquinas never takes up the classical question of the number of man's ends. Perhaps this is not surprising: we would not expect fundamentals of systematic theology to be pervasive themes of this work for a politically

active man. Yet perhaps aspects of a teaching on the number of ends of man do appear in *De Regno* precisely insofar as they are practically useful. Thus I argue that Aquinas does indirectly address man's ends by emphasizing the significance of man's earthly activity, and prepares the king to see the celestial end of man as at once complementary to man's earthly end and yet of an entirely different order.[35] From this order of presentation one might come to think that the chief concern of Aquinas in *De Regno* is not the number of ends of man, but the effective manner of relating the different sorts of activity of man, however they ultimately coalesce as ends, in the education of our king. Naturally, then, the number of ends of man will not be irrelevant to such a teaching, and one could well compare these arguments in *De Regno* with that of other works of Aquinas. But the reader must be willing to accept considerable indeterminacy in the results. For, to repeat, the scholarly task of studying Aquinas must bear in mind the less-than-scholarly audience for which it was at least in part intended.

An interesting application of this teaching concerns the practical value of this text. *De Regno* as a *speculum principis* ought to have a practical lesson, we have already said. Yet will it be "practical" insofar as it offers concrete policy prescriptions, or practical insofar as it teaches us how to think practically? Will our king be given specific instructions as to how to rule, or will he be given the kind of moral education that permits him to develop such instructions for himself? In the latter case, we must not only expect that Aquinas will not give us a recipe for successful politics, but that we must ourselves undergo this moral education so that we may discern what practical implications *De Regno* has for our own time.

[35] De Lubac 1948

Chapter One

Of what little has been said of *De Regno*, the bulk of it concerns the first six chapters of Book I.[1] What has been said, moreover, pertains largely to those chapters' surprising focus not on the best regime or the natural law or the common good, but on tyranny.[2] Indeed, these first chapters have a special unity, for in this book of a theologian written for a king, they are primarily a naturalistic philosophy of tyranny. What unites these chapters, then, separates them from the rest of *De Regno*, either because later parts turn out to be explicitly theological or because they treat more directly on kingship. These early chapters therefore deserve to be treated provisionally as a discrete moment in the work. That treatment must be provisional in addition because of the aporetic nature of this section, an attribute not noticed by many.

Chapter 1 thus comprises a reading of I.1-6 of *De Regno*. After studying Aquinas' proposed plan of proceeding, I discuss his regime analysis and his preponderant concern with tyranny. I note the significance he gives to law, virtue and the common good, and in what ways he seems to be following the thoughts on such subjects of his philosophical master, Aristotle. Finally, in noting this section's teachings, particularly Aquinas' stark (and Augustinian) focus on tyranny and his surprising thoughts on resistance to such unjust rule, I hope to show that *De Regno* is thus far neither simply political theology nor political philosophy.

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1 See especially Keys 2005, 63-64

2 Keys 2006 offers a brief but invaluable account of the current state of *De Regno* scholarship.

PROOEMIUM

Aquinas begins *De Regno* with a brief address or prooemium to the king of Cyprus. Aquinas in turn begins that prooemium, and thus *De Regno*, with the phrase "*Cogitanti mihi*." "*Cogitanti mihi*," literally "in thinking to myself" or "reflecting", are Cicero's, echoing his famous De Oratore, a central theme of which is the rare coincidence of the political power of oratory and philosophical wisdom.[3] In this short address Aquinas states that he intends this work to be a gift "worthy of [your] royal highness and befitting my profession and duty". This gift turns out to be a book on kingship, both its purpose, "*in quo et regni originem*," and the duties attached to it: "*et ea quae ad regis officium pertinent*." As the gift of an erudite theologian, Aquinas' prospective sources for the work are not surprising: "the authority of Holy Scripture, the teachings of the philosophers, and examples of illustrious princes." Closing the address on a pious note, Aquinas asks for the help of God, whom he calls "King of kings and Lord of lords, through whom [all] kings reign, God, great Lord and great King above all gods."[4] While Aquinas begins the prooemium with a becoming attestation to this earthly king's majesty, he ends with a forceful reminder of the majesty of the King of all kings, God.

Immediately three facts present themselves. First, this is a letter to a king. Second, this letter is written by a theologian. Third, the theologian presents the letter as an offering worthy of this king.

First, this is a letter to a king. Perhaps, then, it should be understood as an example of the *specula principum*, or "mirrors of princes", genre, along with Xenophon's *Education of Cyrus*, Machiavelli's *Prince* and Erasmus' *Education of a Christian Prince*.

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3 Eschmann 1949, 2; see Nederman 1992.

4 There are echoes in this line of several Bible verses, as Eschmann notes, including Deut 10:17, Prov 8:15 and Ps 94:3.

We have already noted that Aquinas begins the prooemium with Cicero's "*Cogitanti mihi*", which wass a stock phrase of mediaeval *specula*.[5] What is more, most of the phrases in the prooemium track closely with phrases found in other specula, as well as the Bible. Aquinas in large part would seem to be speaking through others' words, which is another way of saying that he follows closely what other authors of specula have said before him. Surely, then, *De Regno* must be read as an education of a prince.

But what follows from *De Regno* being a *speculum principum*? These specula have been written in all times and places, and by all kinds of thinkers. Will Machiavelli and Erasmus, for example, use this genre to the same effect? Or must we know something of their thinking to grasp how they use the genre?[6] If a particular genre is something that many authors find useful for achieving a certain purpose, perhaps we can learn something of that purpose through studying the genre if that purpose is typical. But if the purpose or argument of a particular work is different from that of other works, then we cannot assume that the author of that work is using that genre to the same effect as other writers. And when we read the works of a great thinker like Thomas Aquinas, we might wonder if the teaching of his works is ever merely typical, and a fortiori if his use of a genre is ever merely typical of that genre. [7] As we read *De Regno*, then, we might suspect that whatever it means for it to be a *speculum principum*, it is not what we think that would mean for a typical example of that genre. We must be attentive to how Aquinas masters this genre not by following its conventions to the letter, but rather by discovering the questions that found it, uncovering the principles that guide it and extending its conclusions beyond the common or representative.

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5 Thorndyke-Kibre 1937, 105

6 cf Gilbert 1938

7 As Maritain argues, Aquinas is too great a thinker to be taken as representative of mediaeval thinkers (Maritain 1968, 12-13). Dawson 2008, 253 echoes this point.

Second, this is a letter written by a theologian. Aquinas does not directly say this. He speaks rather of "his profession and office". Aquinas does not need to specify what this profession is to his audience, however, as the king presumably knew the work was coming from the Dominican Order. Thomas Aquinas is a theologian. This explains his profession. But what of his office? The king might know, as we do, that Aquinas is a leading teacher among the Dominicans, in fact an innovator of their educational system. But in this very prooemium Aquinas presents himself holding a second office: he is an advisor to a king. A theologian advising a king would surely have theological advice, and so Aquinas promises to advise the king "according to the authority of Holy Scripture". Aquinas will also proceed "according… to the teachings of the philosophers as well as the examples of worthy princes." But what does a theologian know about philosophers and princes? What does theology have to do with philosophy and political history? To consider only the very obvious, theology is a science of God, studying the necessary relations between speculative principles. But is politics susceptible of this level of rigor? Would one not need rather to deal in the probable and the characteristic, the typical and the exception in the study of human behavior? Does Aquinas as a theologian have this kind of knowledge?[8]

Thus, third and finally, this theologian presents the letter as an offering or gift worth of our king. It befits someone selected to teach a king to be a master teacher, but what about the subject material of a theologian's study makes his teaching an apt gift for kings? How can a theologian, in other words, benefit a king? Aquinas writes that he will "expound… both the origins of kingly government and that which pertains to the office of a king". As Eschmann notes, Aquinas has in mind by "origin" not a historical account,

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8 This is a caricature of theology, and we will have opportunities to consider the role of the particular and singular in theology later in this study (cf. *ST* I 1.2).

but the necessity of kingship, the causal origin of "kingly government".[9] This might seem to be a most speculative subject, one with no immediate relevance to his royal audience. Thus what is "worthy" of a king is something lofty or beautifully superfluous. But that is not all Aquinas promises to give the king. "That which pertains to the office of a king" will follow the origins of kingship. As Eschmann correctly suggests, this second part will concern the king's duties.[10] But that is not a speculative question, but a most practical one. The "benefit" the king derives from the theologian will also then be practical.

Thus we wonder the more about the relation between Aquinas' sources, and what teaching as a theologian he will draw from each. Similarly, we might wonder what the relation is between a theoretical or causal account of kingship and a teaching on kingship oriented according to the practical duties of a king. Perhaps Aquinas means to clarify the king's duties through a study of a theory of kingship. Surely how Aquinas addresses this question will bear upon what kind of *speculum principum* this work turns out to be, and what kind of *princeps* Aquinas takes himself to be addressing. But this also recalls what we first noted as curious in the prooemium: the ending. Aquinas begins the address with requisite flattery and presents this book or letter as designed to be most worthy of the king. Yet Aquinas ends the prooemium on a different note: that of a prayer to God as King of Kings and Lord of Lords. The audience of the address has shifted from a particular *rex* to the *Rex regum* as such. The Cypriot king as a Christian has heard such language before. Yet might its invocation here awaken a new understanding of it in him, coming at the end of an address in which he is the *rex* of note? And if this work means to help this particular king understand his office precisely insofar as he is an example of

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9 Eschmann 1949, xvi

10 Eschmann 1949, xv-xvi, sets up this bipartite purpose as the beginning of all confusions concerning the structure of *De Regno*.

kings in general, does Aquinas single out God as "King of kings" as the paradigmatic example of kings? Is God in other words the exemplar of kingly office? Or does Aquinas mean "King of kings" in the same way he means "King great above all gods," which is to say, the only true king? If Aquinas means it in the latter case, then the purpose of this work grows even more mysterious. For if Aquinas means to explain that God is king of kings in a way that no earthly king can be, perhaps this will not surprise us as the speculation of a theologian. But in so presenting God as this king above all kings, Aquinas not only humbles the Cypriot king.[11] Aquinas also seems to say that the paradigm of kingship is not something to which any king can attain. Thus, the earthly king can never be truly and fully king, and the word "king" applied to the Cypriot must be equivocal or analogous at best.

Yet we wondered earlier if Aquinas will clarify the king's understanding of his practical duties through elaborating a theory of kingship. Given the potentially radical theory of kingship suggested by our investigation of the prooemium, we might doubt that Aquinas means merely to "clarify" those duties. Aquinas' answer to this question, we might think, would show us how he takes theology to bear upon politics, and how a theologian might teach a king. But this would be knowledge of a politics very different from it as typically understood by that king. Thus the theologian as writer of a *speculum* must know how a king sees politics, how this theologian wishes him to understand politics, and how best to bridge that gap not only rationally or theoretically, but also as a practical and educative matter. The prooemium thus indeed presents *De Regno* as a *speculum principum*, a guide for a king from a would-be adviser. But the profession of that admirer makes us question just what kind of unarmed prophet he is, and the

11 Viewed in this light, Machiavelli seems to cast himself in the role of God in the letter dedicatory of *The Prince*.

suggestion that his teaching will be of such comprehensive assistance to the king makes us wonder all the more how such a dazzling prophecy will be made intelligible to the intended audience. Thus we can doubt that this will be any ordinary speculum.

Perhaps I have belabored these simple points about the prooemium, but it turns out to be far richer than it would prima facie seem. And as Aquinas agrees with Aristotle that well begun is half done, it ought not to surprise us if he took especially seriously the introduction to this work.

CHAPTER I

What is a king? "…*quid nomine regis intelligendum sit*." This question opens Chapter 1. As we learn in this chapter, the paradigmatic king is the directive principle of a perfect community leading them to their common good. But Aquinas builds up to this definition.

All things ordered to an end, Aquinas begins, require some directive principle to guide them there "directly" (paragraph 3). Man is an intelligent agent, and clearly acts in light of an end "to which his whole life and all his actions are ordered". Thus man needs a directive principle to lead him toward that end. But is it not the case that, for man as an intelligent creature, this directive principle is simply reason? Indeed, the "light of reason" is "implanted naturally" in each man: reason guides man toward his end (paragraph 4). But is reason enough? If men were meant to live alone, then yes, it would be enough. Each man would rule himself as a king under God the highest king (*summo rege*). But man in fact is an *animal sociale et politicum*, and naturally lives in groups. Aquinas then goes on to explain how man's social and political character is a necessity of his nature.

Aquinas thinks three facts make the sociality of man evident: his lack of natural defense; his lack of instincts; and his faculty of speech (paragraph 5). All three involve

explicit comparisons with other animals, for man is an animal; the question is what makes him more "social and political" than other animals. Unlike other animals, man lacks teeth, horns, and other natural attributes for defense, nor does he have hair for covering or an immediate supply of food. Unlike other animals, man has no "inborn skill" by which he discerns readily what is useful or poisonous ("*utilia vel nociva*") for him (paragraph 6). Man therefore cooperates with other men to remedy these lacks. What man lacks in the physical realm he compensates for in his intellectual attributes, qualities that he completes with and through other men. For although man lacks physical attributes for his survival, he has reason, "by the use of which he could procure all these things for himself by the work of his hands." And while he lacks instinctual knowledge of what is particularly good and harmful for him, he does have "a natural knowledge of the things which are essential for his life".

As for speech, which he can use far more articulately than animals can, this is a great boon to his gregariousness (paragraph 7). Language is instrumental to the cooperation whose need arises from these two lacks. But speech also seems to be itself a proof of his sociality: "by which one man can fully express his conceptions [*conceptum*] to others." How much weight one ought to assign "*conceptum*" is unclear, but it seems to point toward the higher functions of speech.

Whatever the strength of these arguments, Aquinas means them to lead us back to the conditional statement "If man were meant to live alone, he would need only reason to guide him to his end". For man does not and cannot live alone, but rather in community. He therefore needs something beyond reason to lead him to his end, or rather men in community need something to lead them to their end. But why do they need something beyond reason? What is this new directive principle? To what end does it lead them? Moreover, what precisely is its relation to the reason that guides each man? Reason

figures heavily in Aquinas' three-fold account of man's social and political nature; will it matter for what binds men in community? Having adduced these reasons for man's sociality, Aquinas goes on to state:

> If, then, it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many men together and each one is looking after his own interest, the multitude would be broken up and scattered unless there were also an agency to take care of what appertains to the commonweal (paragraph 8).

What governs men must reconcile their diverse interests, "having care for what pertains to the good of the multitude." Man is naturally social and political, then, but his communal ordering is not spontaneous; it must be directed by someone. Perhaps this should be obvious: for an individual to be political by nature means for him to be disposed to enter into communal relations with other individuals. Such relations are an achievement in a way that man being oxygen-breathing by nature is not: they must be developed and attained. Aquinas concludes paragraph 8 with another quotation of Solomon: "Where there is no governor, the people shall fail" (Prov 11:14). The community like a body must be held together. And the community must not only be materially held together as the skin "holds" together the parts of the body, but also in the way that the reason of a man "watches over the common good of all members" of that body.

Aquinas continues: "Indeed it is reasonable [*rationabiliter*] that this should happen, for what is proper [*proprium*] and what is common [*commune*] are not identical" (paragraph 9). The *proprium* or "proper" is what is particular to the individual; the common is shared across individuals. But what exactly is reasonable? Is it reasonable that the people should fall without a governor? That the multitude has a tendency to disperse

and break apart? What is the difference between the proper and the common that the latter is so fragile?

Aquinas recasts this distinction between the "proper" and the "common" into one of cause and effect: the different effects proper to individuals are due to a diversity of causes. A common good requires a common cause, or, from a more Aristotelian perspective, is itself the source of formal unity of a community. Instituting and preserving the common good, then, would require identifying and maintaining that cause which produces similar effects in all individuals "over and above that which impels towards the proper good of each individual." Aquinas can immediately say one thing about this cause: it is one: "…in all things that are ordered towards one end, one thing is found to rule the rest." As the soul rules the body and the rational part of the soul rules the other parts, so the first mover in the universe moves subsequent bodies, and the heart moves the body. "There must be, therefore, in every multitude some government [*regitivum*]" (paragraph 9).

This might seem a bit quick for the modern reader. Perhaps it is "rational" for man to live in society, and for social groups to require some kind of governance to direct them toward their goals. But we might wonder just how "natural" it is for man to live in political communities in the first place. What is the difference between "natural" and "rational" here? This will be particularly important in light of the examples Aquinas gives about the relation between celestial bodies, parts of the soul and the soul's rule over the body. What is the force of these examples? What exactly is the relation between humans, and is it anything so "natural" or "teleological" as that between organs of the body?[12]

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12 We might recall that in other places Aquinas speaks of a rather weak principle of unity of men, namely a "unity of order": *Summa Contra Gentiles*, III, 69; *De Ver*. 11.1; *De Ver*. 5.8 ad 12; and *In Sent*. II.1.1.5 (cf. Baur 2011).

What follows intensifies rather than settles such questions. As with all things led to an end, the multitude can be led in a right way and a wrong way: "A thing is rightly [*recte*] directed when it is led towards a befitting [*conventientem*] end; wrongly when it is led towards an unbefitting end" (paragraph 10). But what is a "befitting end", and what is an "unbefitting end"? To answer this question, Aquinas elaborates another distinction:

> Now the end which befits a multitude of free men [*multitudini liberorum*] is different from that which befits a multitude of slaves [*servorum*], for the free man is for his own sake [*sui causa est*], while the slave is for the sake of another [*alterius est*]. If, therefore, a multitude of free men is ordered by the ruler towards the common good of the multitude, that regime will be right and just, as is suitable to free men. If, on the other hand, a regime aims, not at the common good of the multitude, but at the private good of the ruler, it will be an unjust and perverse regime (paragraph 10).

Aquinas differentiates between the *liber* and the *servus*, or the free man and the slave. A multitude of free men has a different end from that of a multitude of slaves. The free man is or exists for his own sake [*sui causa*]; the slave exists for that of another [*alterius*]. But what does it mean to be a *sui causa*?[13] The contrast with the slave suggested here is illuminating, for it seems obvious that the slave acts for the good of another; what good he brings about is caused by another for that same cause's good. He is an instrument. Somehow, then, the *liber* is not an instrument of another. As his own cause does he direct himself to his proper goods? The word *causa* after all ought to remind us of Aquinas'

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13 Aquinas takes this formulation from Aristotle's *Metaphysics* A, and it appears in several other places in Aquinas' works. This reference in *De Regno*, however, would seem to precede most of the others, including his more famous discussions of it in the *Summa Contra Gentiles* (II, 48), the *Summa Theologiae* (I 83.1 ad 3) and his *Commentary on the "Metaphysics"*. To the extent that we can determine what in *De Regno* Aquinas means by the phrase, then, we will contribute to the intriguing question of Aquinas' understanding of Aristotle's metaphysics. See Spiering 2011 for an excellent account of the term, although she does not discuss its appearance in *De Regno*.

discussion only a paragraph before about the diverse causes that lead to the different proper effects of individuals. But Aquinas does not speak here simply of the *finis liberis*, but the *finis multitudini liberorum*, the end of a "multitude" of free men. Is the common end of the multitude something different from the end proper to each free man within it?

As Aquinas continues here, he argues that the "right and just regime" will ensue when a "multitude of free men is ordered by the ruler to the common good of the multitude". The "unjust and perverse regime" arises when a rule aims at "the private [privatum] good of the ruler." Perhaps being *sui causa* requires living in community and being governed toward the good of that community. But to know this would require an answer to our earlier question: what is the *sui causa*? What does it mean for him to be governed toward a *bonum commune*? It makes sense for Aquinas to claim that the just regime requires the multitude to be led to their common good. It is difficult however to know what that means when everything seems to hinge on this multitude being one of free men. What are they, and what does it mean that they are *causae sui*?

Rule aiming at the private good of the prince is unjust: it is the very definition of tyranny. Aquinas quotes Ezekiel's warning to the tyrant: "Woe to the shepherds that feed themselves: should not the flocks be fed by the shepherd?" (Ezek 34:2). As the shepherd seeks the good of his flock, so the ruler seeks the good of his people. We might note, however, that Aquinas introduces a new word: *privatum*. He speaks of the unjust ruler seeking his *bonum privatum*. Earlier, he contrasted the *bonum proprium* of the individual with the *bonum commune* of the community. Where one might have expected him to argue that the tyrant seeks his own proper good, Aquinas argues that the tyrant seeks his own private good.

What is the difference between the proper good and the private good? Given Aquinas' earlier concern to establish the way that the *proprium* emerges from causal

diversity and the *commune* from singular causality, it seems curious that he would seem not to relate directly unjust rule to the *proprium* and *commune*, but instead introduces a third term without relating it explicitly to either term. Does Aquinas mean to distinguish the *proprium* and the *privatum*, the latter perhaps distinguished by its violence to the commune? The word *privatum* after all suggests not merely individual or specific, but privation: a forcible separation, in this case from the *commune*. As we will see, *privatum* occurs in *De Regno* three times in connection with the good of the tyrant (Ch. 1, paragraph 10; Chapter 3, paragraphs 24 and 26), although it later is used to refer to the private person who seeks to kill the tyrant on his own authority (VI.47-48). Thus we can at least say that the *privatum* appears to be a good of the individual that is opposed to the *commune*, whereas the *proprium* good is related somehow in a complementary manner to the good of the common. The distinctions between *liber* and *servus* and *proprium*, *commune* and *privatum* must be borne in mind.

Aquinas then proceeds to a division of regimes: the three unjust (paragraph 11) and the three just (12). This section will not surprise students of ancient political philosophy. Just rule and unjust rule can be executed by one, a few or many.[14] Aquinas begins with injustice, descending from the one to the many. The most notable dimension of his description of unjust governments is its emphasis on force: the tyrant "oppresses by might"; oligarchs "oppress the people by means of their wealth; the democrats "by force of numbers oppress the rich." Aquinas begins accenting this point in his proposed

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14 Eschmann rightly notes that Aristotle lays out two regime divisions: one on the basis of number (*Politics* 1271a27 et seq.) and one on the basis of the qualifications or virtue of the rulers (*Politics* 1279b38). Eschmann errs, however, in suggesting that Aquinas follows only the first teaching in the regime division of *De Regno* I.1. Aquinas admittedly begins with number, but makes clear in his discussion through I.6 that the virtue of a regime's ruling element is at least as important as the number of rulers (Eschmann 1949, 7, footnote 16).

etymology of "tyrant": "such a ruler is called a tyrant—a word derived from strength—because he oppresses by might instead of ruling by justice. Thus among the ancients all powerful men were called tyrants" (paragraph 11). As Eschmann notes, this derivation is likely from Isidore of Seville's *Etymologies*.[15] The last suggestion, that "among the ancients all powerful men [*potentes quique*] were called tyrants", is particularly striking. Does Aquinas not understand the significance of the tyrant in classical politics? Or does he mean by *potentes* something quite specific, perhaps the man who takes *potentia* only for oppression's sake? The apparent opposition herein between *potentia* and *iustitia* would support this conclusion. Isidore's claims at *Etymologies* IX.18-21 are perplexing, but he seems to think that the ancient Romans made no distinction between the king and the tyrant: they were both public magistrates. Aquinas also relates oligarchy and democracy back to tyranny as he describes them: "the few… differ from the tyrant only by the fact that they are more than one", and in democracy "the whole people will be as one tyrant". In other words, every unjust regime is rule by *potentes*, whatever that means. Every unjust regime is a shade of tyranny.

Aquinas next outlines the just governments in descending order: polity, aristocracy and monarchy. After defining polity in military terms, following Aristotle's claim in the *Politics* (1279b1-3) that a great body of men can only hope for a kind of military virtue, and aristocracy, which he translates into Latin as "*potentatus optimus, vel optimorum*", he presents monarchy: "And if a just government is in the hands of one man alone, he is properly called a king. Wherefore the Lord says through Ezekiel: "My servant, David, shall be king over them and all of them shall have one shepherd" (paragraph 12). This regime division does not seem particularly novel, but it is curious that Aquinas allies kingship with God's rule. If polity is a military rule, and aristocracy is

15 Eschmann 1949, 8, footnote 17

a virtuous rule, then monarchy would seem to be a quasi-divine rule: God calls David *servus meus*. It is notable also that Aquinas speaks of polity and aristocracy in classical terms, and only of kingship in Biblical language. He might, for instance, have turned to the Hebrew commonwealth as an example of polity, as he would later do in his "Questions on Law" in the *Summa Theologiae* (*ST* I-II.105).

But what kind of community does this multitude constitute? The *societas perfecta* is that which supplies fully the necessities of life, for it is these necessities that lead man to live in community in the first place (paragraph 19). Thus the king as such rules the self-sufficient community. The family provides a certain nutritive sufficiency, and the neighborhood or *vicus* a measure of economic sufficiency. The *vicus* is not simply the same social formation as Aristotle's extended family or clan.[16] But the principle is similar: local ties of *amicitia* beyond the immediate family that support the procreative aim of the family and also turn that family beyond itself toward a wider range of interactions.

So what is the self-sufficient community beyond the family and *vicus*? Given the seemingly conventional Aristotelian analysis thus far, we are not surprised that Aquinas writes that in the city [*civitas*] can be found all the necessities of life. He even calls the city the *perfecta communitas*. Yet Aquinas has more to say on the nature of the perfect community, and it is worth recapitulating his progress on this question:

> There is, to some extent, sufficiency for life in one family of one household [*familia domus unius*], insofar as pertains to the natural acts of nourishment and the begetting of offspring and other things of this kind. Self-sufficiency exists, furthermore, in one street [*vicus*] with regard to those things which belong to the trade of one guild. In a city [*civitas*], which is the perfect community, it exists with regard to all the necessities of life. Still more self-sufficiency is found in a provincia because of the need of fighting together and of mutual aid against enemies (paragraph 14).

16 cf. *Politics* 1252b12-16 and Eschmann 1949, 9, footnote 22

It is the last lines that are new to this study. The city would seem to be the perfect community. But the city cannot protect itself adequately. Or, at least in some cases it cannot fulfill the "need of fighting together… against enemies." Thus the provincia is the perfect community. Yet Aquinas does call the city the *perfecta communitas*. It would seem that the *provincia* is self-sufficient in the matter of self-defense, but that the city has everything it needs otherwise.

But what is a *provincia*? The word has a generic meaning as a part of some political whole, and a technical one as a subdivision of the Roman Empire or the Catholic Church. Eschmann writes: "Nothing is very definite about this notion except that, at any rate, a province is part of a greater and more comprehensive whole."[17] Eschmann continues that Aquinas is simply adapting ancient thought to mediaeval realities in his affirmation of the *provincia* as a perfect society. Indeed, Aquinas could be pointing to the Cypriot's dominion as a part of a greater Norman confederation, or even as part of Christendom. But Aquinas might also be raising a question about the self-sufficiency or excellence of the *provinicia*. Aquinas attributes the superiority of the *provincia* to its ability to respond to the "*necessitatem compugnationis*." But one could say that this is an accident of the city: not all cities need protect themselves, and the strength required of those cities depends as much upon the strength of their enemies as upon themselves.[18]

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17 Eschmann 1949, 10, footnote 23

18 Aquinas' *provincia* would make interesting fodder for students of international relations. The rise of this *provincia* from the *polis* provides an interesting account of how domestic factors determine a community's relations with other polities, but also how external factors, e.g. the threat of war, determine the conduct of domestic politics. One would then have the beginnings of the "international order" that is so crucial to theories of international relations, but also so under-theorized. While Aquinas' theory of international order would thus not be particularly parsimonious, it would offer three excellent attributes: (1) it captures the dynamic relation between individual states and the

Yet if a *provincia* were large enough to secure itself through military defense, we might wonder if it still retains the character of a polis as classically conceived. Aristotle after all thought that a too-large city could not form a genuine *paideia*.[19]

Yet the Normans' stronghold on Cyprus was small for a *provincia*, and we might note its origins: in the Christian Crusades against Islam. If there were ever a genuine paideia of a Christian polity, it would be Cyprus' in the fight for recovering the Holy Land. In fact, it would seem to be the very epitome of the kingship that serves God, recalling the earlier *servus meus* title God assigns to the epitome of kings, David.

There is also this obvious fact: the Normans attained and maintain their Cypriot kingship through armed force. And did Aquinas not suggest that the highest excellence of the polity was a kind of military one? This military excellence is after all the great advantage of the *provincia* above the city. Is there some kind of contradiction between being a monarchy and a *provincia*? No one would deny that the *provincia* serves a useful purpose in defending its citizens. But should the *provincia* exist in a time and place where this is necessary, then it requires a modification of the teaching according to which the *civitas* or polis is the perfect community. Or we might wonder if the *provincia* is simply perfect, or perfect *secundum quid*, to borrow a stock phrase of Aquinas. For the point of the city, after all, is not simply to live, but to live well, as Aquinas affirms in other

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"order" that binds them all (Ikenberry 2001); (2) it would be neither a residual variable, because it rests upon clearly defined variables (Trubowitz 2011), nor an "overdetermined" variable used to explain everything (Mearsheimer 2001), because Aquinas makes clear that any state's actions depend upon the contingent choices the states makes in the use of its resources and the unpredictable and equally contingent decisions of external powers; and (3) it would account for change across time (in the "English school" of Bull and Kupchan) while acknowledge that the international order must have important enduring features. In short, this international order would not be a metaphor. Thanks to Peter Harris for thoughts on this matter.

19 *Politics* 1276a27-30; cf *Nicomachean Ethics* 1170b34-35

places.[20] One might wonder, then, if the military strength of the *provincia* is merely an incidental addition to the polis, or if the perceived need for a strong military comes to supplant the city's need to be virtuous. The contradiction between the *provincia* and kingship would disappear if the *provincia* were led by the king who sought the heights of virtue, i.e., service to God. But, again, this takes on a special significance for a king whose dynasty founded their kingdom by military means, and whose precarious situation must require them to remain a highly militarized society. Will they direct their efforts to the service of God, or will they concern themselves with arms and conquest? Does the Cypriot's situation obscure that the city – the *provincia* – exists not just for the sake of bare life, but for the sake of the good life?

Recalling also that the free man acts for his own sake [*sui causa*], we might find it striking that his life should become so dependent upon the military might of his society. If man seeks in community what he cannot have in solitary life (paragraphs 5-7), then it would seem from Aquinas' arguments about the *provincia* that he stays in that community on account of another consideration: protection from men in other societies. Does man's communal life bring out some violent element in him that we would not expect from an analysis of the *liber*? If, as we suspect, politics in the *provincia* orients itself to security and defense in a way that it does not in the *civitas*, does the *liber* lose some element of his status as *causa sui*?

This is all quite speculative. But at present I would urge we resist the temptation to reduce this teaching of Aquinas to a mere bowing to historical change. The notion of the self-sufficient community is foundational to political philosophy, and Aquinas would

20 *Politics* 1252b29-30

not be proposing such teachings lightly. I will thus not translate the word as "province", but leave it as *provincia* to indicate the question it raises.[21]

Perhaps this exposition on the *provincia* was a digression. We meant to ask, after all, what is a king? If we collect what Aquinas has said of the *rex*, we see that as a shepherd he seeks the good of his self-sufficient community, a multitude of free men. Aquinas thus closes the chapter with a definition:

> It is plain, therefore, from what has been said, that a king is one who rules the people of one city or province, and rules them for the common good. Wherefore Solomon says [Eccl. 5:8]: "The king rules over all the land subject to him" (paragraph 15).

We note that Aquinas again links kingship to God. Aquinas described kingship alone of the regimes as a service to God, and he has cited Solomon three times as not only a dispenser of wisdom for kings but also, indirectly, as an example of a king obedient to God. Is kingship somehow more closely related than other regimes to God? Given Aquinas' earlier arguments (paragraph 9) that everything must be ruled by one, is this service rooted in an analogy between God-in-His-Creation and the king-in-his-kingdom? If so, is there a way in which rulers in other regimes can participate in this analogy by degree? Or, perhaps a simpler explanation, does Aquinas mean to relate kingship to divine rule because of his audience? Is the point that the rulers of any regime need to be servants of God, and that Aquinas happens to want to highlight this dynamic especially for his royal audience? Perhaps Aquinas might even be using the pride or ambition of this king – elevated to a servant of God, after all – to remind him of his duties to God.

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21 See Dietz 2012 on the problems raised by "empire" for political philosophy, which are pressing ones: ambition, tyranny, death in battle for love of country, reducing political activity to a more tractable if less human enterprise, and the proper ends of government.

But the question of God's relation to the king might remind us of our earlier questions about the relation of the king to man, or rather the analogy between the king ruling the multitude as reason rules each man. We asked earlier: why do men in community need something to lead them to their end? What will be their new directive principle? What precisely is its relation to the reason that guides each man? Prima facie Aquinas has given us no answers to these questions. There would seem to be a certain kind of reason necessary for the king to fulfill his duty, namely ordering the multitude toward their common good. But we do not know what this common good is or how it relates to the proper good of each individual, which surely is something to which each man is rationally directed. Aquinas also intrigues us by suggesting that the unjust ruler seeks his "private" good rather than the common good, but we might wonder if this "private" good is different from the "proper". If it were, then the common good the king seeks would seem to be an affair of reason. Finally, if the king is the servant of God, does that tell us anything about the character of his service? The frequent references to David and Solomon suggest that Aquinas means something quite serious by this characterization of kingly duty. In what way is the king's service related to reason? If it requires faith in God, for example, is it simply rational? Does it go beyond the bounds of reason? These are puzzles for which Chapter 1 would not seem to have answers.

CHAPTER II

Chapter 1 begins with the question "What is a king?" In answering this question, however, Aquinas had to answer two other questions: what is a ruling element? What is the perfect community? In casting monarchy as a kind of rule over the self-sufficient community, he then opens up two other questions: is monarchy the only kind of rule? And is it the best? The first question can easily be answered with "no". That then

complicates the second question, which is the subject of Chapter 2: "it is necessary to seek after what provides [*expedit*] better for a province or city: whether to be ruled by many or one [*a pluribus regi, vel uno*]" (paragraph 16). Aquinas immediately adds: "This question may be considered first from the end of government [*ex ipso fine regiminis*]."

Why does Aquinas omit "the few"? Chapter 1 laid out a regime typology of rule by one, the few and the many; would we not want to know which of the three is best? Perhaps Aquinas means to give reasons for the excellence of a certain regime that hinge on the distinction between "one" and "more than one." The subsequent line is also intriguing, as the *finis regiminis* is precisely what we wanted explained further in Chapter 1: what is this *bonum commune*? What follows is revealing:

> Now the good and safety of a multitude formed into a society lies in the preservation of its unity, which is called peace. If this is removed, the benefit of social life is lost and, moreover, the multitude in its disagreement becomes a burden to itself (paragraph 17).

The good and the health or safety of the assembled multitude is that its unity be conserved or preserved. This unity is called peace. Something of this teaching we saw in Chapter 1: that a ruling element is necessary to impel the diverse elements of a society toward a single effect (paragraph 9). But we had not heard this unity described as peace. What does it add to our knowledge of ruling to refer to its end as peace? What follows is similarly intriguing but not illuminating: the ruler (*rector*) must then procure the unity of peace (*pacis unitatem*). What is this end of peace, and how is peace a kind of unity?[22] According to Eschmann, William of Moerbeke used the Latin *pax* in his translation of the Ethics to translate Aristotle's ευνομία. While this might not be the most apt translation, meaning something more literally like "good laws", it is not clear from *De Regno* that it

22 Cf. *ST* II-II 29.1

leads Aquinas astray. After all, Aquinas calls not just *pax* the end of governance, but *unitas pacis*, which surely implies something like a well-ordered regime of laws. And it raises the question: where is law in *De Regno*?[23]

Apparently following Aristotle's discussion on the same subject, Aquinas continues by arguing that the ruler may not "deliberate whether he shall establish peace in the multitude subject to him" anymore than the physician may deliberate as to securing the health of a sick man. He then states the classic delimitation of prudence: "for no one should deliberate about an end which he is obliged to seek, but only about the means to attain that end." Returning to the teaching of Chapter 1, Aquinas argues that "the more efficacious a government is in keeping the unity of peace, the more useful it will be. For we call that more useful which leads more directly to the end." So what leads most directly to the end of politics? We know that this end is unity. So what leads most directly to that end also leads most directly to unity. What is this, then? "*Manifestum est autem quod unitatem magis efficere potest quod est per se unum, quam plures*." What is itself one (*per se unum*) can better than many bring about unity [*unitatem*: one-ness], "[j]ust as the most efficacious cause of heat is what is in itself hot (*per se calidum*)". Thus the rule of one is more useful than the rule of many.

Aquinas then goes on to argue that "several persons could by no means preserve the stability of the community if they totally [*omnino*] disagreed. "But what if they do not totally disagree, but rather only partially? Aquinas chooses *omnino* for a reason: to rule at all they must have some modicum of agreement. And to rule well they must be substantially united. But then they draw closer to being one. Even the rule of many, then,

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23 *NE* 1112b14 and in Aquinas' *Commentary on the "Nicomachean Ethics,"* III.8: 474, as noted in Eschmann 1949, 11, footnote 2

must imitate the rule of one. "Therefore one rules better than many approaching one [*appropinquant ad unum*]."

But could not the many in some sense rule as one and in another sense surpass that rule? Perhaps Aquinas feels the need to spell out such considerations, for the third reason he gives in favor of monarchy is this: it is according to nature. The argument is simple. What is in accord with nature is best, "for in all things nature does what is best." But governance in nature is always by one. Now man in making things according to art imitates nature; a "work of art is better according as it attains a closer likeness to what is in nature". Therefore man, in imitating nature, ought to conform to this rule by one.[24]

Aquinas gives a few examples of this monarchical principle in nature: the heart moves the organs; reason is chief of the powers of the soul; a beehive has one bee king; and in the universe there is "*Deus factor omnium et rector*": one God, maker and ruler of all things (paragraph 19). Aquinas has already cited a few of these examples in Chapter 1 (paragraph 9), but he now appends a lesson to them: "*Omnis enim multitudo derivatur ab uno*." Every multitude is derived from one. This is a startling statement. Has not Aquinas' argument all along been that the multitude exists and must be held together by the ruler? Does the "one" not come later? In what sense is the multitude derived from the one ruler?

The examples Aquinas gives of nature's monarchical tendency are stock examples in mediaeval and ancient politics and metaphysics, and perhaps some, most notably the examples of God and the bee king, would be familiar to the Cypriot. We might wonder, however, if they evince the same kind of unity derived from one. To take the obvious example, the heart might move all of the other organs, but it is nonetheless an organ, one

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24 To understand the place of such arguments in Aquinas' opera, one should consult his thoughts on Aristotle's criticism of Plato's treatment of the good as unitary, especially Aquinas' *Commentary on the "Nicomachean Ethics"*, Lectures VI-VIII on *Ethics* I.6.

among many.[25] On the other hand, God as *factor omnium* stands outside creation. He rules not as great among many, but as great above and beyond all. If, as Aquinas suggests in his *Metaphysics* commentary, Aristotle took the heart to be the principle of the body because it diffuses the soul, then this would be a nobler role than moving the other organs or (according to modern theories) simply and exclusively pumping blood. But note this: the heart as the principle of the body's activity would yet be an "internal" or "inherent" part of that very activity, just as the keel of a ship has a pre-eminent role in determining the movement of a ship, precisely as a part of that ship. God as the creator and mover of the cosmos, on the other hand, is external or outside of that activity because He is extrinsic to that being, something like how a mother and father produce a baby.[26] So the heart and God stand in radically different positions vis-à-vis their "subjects". And while the bee king and the human ruler seem to have more in common than they do with the heart, we might recall Aristotle's famous claim in the *Politics* that man is more political than any bee or other animals. [27]

In one sense, the human king seems to rule more like the heart or the bee king than like God, because the king is an internal or inherent part of the unity he shapes. It also suggests a more conventional political sensibility, namely the problem of politics as being the designation of some ruling element in a community. On the other hand, we

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25 In Aquinas' *Commentary on Aristotle's "Metaphysics"*, probably written several years after *De Regno*, Aquinas argues that for Aristotle the heart is the principle of the body because "all of the soul's powers are diffused throughout the body by means" of it, not because of the conventional opinion according to which the heart is merely the principle of motion in the body (*Metaphysics* V.1:755).

26 Aristotle speaks in this language in *Metaphysics* V, 1012b34 - 1013a23. There is a great difference between God making man and man and woman making babies, as reflected in the language of "creation" and "reproduction."

27 *Politics* 1253a7. Aristotle thought the ruling bee to be male because of its stinger, a defensive weapon thought generally thought not possessed by female animals generally. (*HA* 625b7-22).

know that the king will rule with reason, something the heart and bee lack, and has some kind of freedom to choose his proximate ends and the means through which he pursues them. The heart and bee lack this, as well. In that sense, then, the king seems to rule more like God than like the bee and heart. Yet the king is not quite like God, because he did not create what he rules and thus lacks the perfect knowledge of and providence over it.[28] And while man does rule himself in reason, we have been left to wonder how rational the king's rule of the multitude can be. So how precisely will God's rule be exemplary for human rule?

Perhaps such questions are beyond Aquinas' royal reader. We certainly would not expect him to know Aristotle's *Metaphysics* or *Politics*, much less Aquinas' commentaries on them, which likely came some years after *De Regno*. And, to repeat, Aquinas might have offered these examples simply as stock examples, to show the king that monarchy operates at every level of the universe. This would indeed be a salutary teaching. It has led us, however, to ask where exactly to place man within the universe. And stock examples are sometimes useful because they present conventions that are wrong or only partially correct. Perhaps Aquinas will have more to say on this subject later.

The concluding paragraph of the chapter claims the evidence of experience as proof of the superiority of monarchy to rule by the many. It is worth quoting in full:

> This is also evident from experience. For provinces or cities that are not ruled by one person are torn with dissensions and tossed about without peace, so that the complaint seems to be fulfilled which the Lord uttered through the Prophet [Jer 12:10]: "Many pastors have destroyed my vineyard." On the other hand, provinces and cities which are ruled under one king enjoy peace, flourish in justice, and delight in prosperity. Hence, the Lord by His prophets promises to His

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28 The heart does not rule over the other organs in every sense; that would make it like the horseman in Plato's *Republic* who commands the bridle maker despotically (*Republic* X). Cf. *ST* I 83.3 ad 2 and I-II 56.4 ad 3

> people as a great reward that He will give them one head and that "one Prince will be in the midst of them" [Ez 34:24, Jer 30:21] (paragraph 20).

It is curious that the quotation from Jeremiah lamenting tyranny is retrospective, whereas the latter quotation is prospective. The first quotation is of God surveying the ravages of the Babylonians against Israel, but He seems to blame Israel's past ruler – "many pastors." The latter quotation is not only prospective, but it is unclear for what reason the Lord will grant His people "a great reward". The great reward itself seems to be "one Prince". But if that is the case, does that mean that kingship is in fact a reward or an effect of a good society rather than the cause of it? And if, as it sounds, this latter promise is in fact Christological, one might wonder how seriously we expect in the here and now to have kings who guide their peoples toward peace, justice and prosperity. In other words, the example Aquinas gives us of the "experience" of terrestrial cities is actually a promise in the supernatural order.[29]

Let us return to the question we asked at the beginning of this chapter, why Aquinas inquires into the rule of only the one and the many and yet not the few, as we seem to have at least a partial answer. The argument for the need for effectual unity applies as much to the few as to the many; the argument *secundum naturam* is a strike against the few as much as against the many, as he clearly spells out in paragraph 18; and the argument from experience is also directed against any regime forms "which are not ruled by one person." To the degree that each of these arguments is persuasive, then, one can agree with Aquinas' dichotomous approach to the question.

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[29] What lessons Aquinas draws from the Hebrews' experiences must be followed carefully. The Old Testament at times excoriates monarchy as a rejection of God's rule, as at I Sam 8, but in other places laments the weakness of a monarchy that cannot keep Israel united, e.g. Judges 17:6, 18:1, 19:1 and 21:25. Aquinas of course famously describes their regime as a mixed regime at *ST* I-II 105.

Such arguments in favor of monarchy would also sit well with Aquinas' royal reader. And so there may be rhetorical reasons for why Aquinas focuses on the distinction between the one and the many. For one thing, many mediaeval monarchies were "constitutional": they involved other political authorities, even if the monarch made the final decisions on many matters.[30] So if the Cypriot king's regime involves others besides himself, as Eschmann suggests, it might not be politic to abuse rule by the few (Eschmann 1949, xxxvi-vii). Yet it is also true that rule by the many, polity, is the strongest contrast among the just forms of government with monarchy, and so is a natural term of comparison with monarchy. Yet Aquinas does not just contrast monarchy with polity, but even democracy, or at least malfunctional democracy. Recall his claim that the rulers who cannot agree amongst themselves can achieve little. And this is a persistent threat among such regimes, Aquinas suggests, insofar as they must strive to be effectually one if not factually one. Without accusing Aquinas of dissimulation, then, it is clear that he has been able to paint monarchy in a most favorable light in Chapter 2. This is a bit different from his less flattering tone in the prooemium.

Aquinas thus raises yet more questions in Chapter 2. He has proposed *pacis unitas* to be the *bonum commune*. Also, while this chapter, like Chapter 1, promised to be rather naturalistic, it ended with a number of references to God and the divine that might lead us to question the nature of political philosophy for Aquinas, especially in its relation to natural and revealed theology. The analogy between God making and ruling the universe and man as king of a realm is obviously important to Aquinas' argument, but it is not quite clear what he means by it. Note especially that God says that many bad kings have destroyed "my vineyard", and God will give the good peoples "one Prince". This might make one suspect that the one from whom is derived every multitude is God, the pre-

30 Kern 1939, Barraclough 1947 and Folz 1969

eminent example of paragraph 19. In the final sense that is of course true. The question is what Aquinas makes of it in the political realm.

CHAPTER III

Aquinas' regime typology has unfolded slowly. After presenting the six regimes in Chapter 1, he discussed the best regime, kingship, in Chapter 2. Chapter 3 turns out to be about the worst regime: tyranny.

Aquinas begins the chapter by noting that what is contrary to the best is worst. And what is best, he has proven, is monarchy. Thus tyranny as the opposite of monarchy is the worst regime (paragraph 22). "[A] united force," Aquinas argues, "is more efficacious in producing its effect than a force which is scattered or divided" (paragraph 23). This was a reason to prefer kingship over other regimes. Yet a united force can do good or do evil. The king as a united force does great good. The tyrant is also a united force, but a force directed toward injustice. Thus among unjust governments, the more united the ruling element, the more harmful the rule will be. Thus tyranny bests oligarchy and democracy in this regard.

As if sensing our desire for him to say more about what counts as injustice, Aquinas supplies a further reason about the common good.

> Moreover, a government becomes unjust by the fact that the ruler, paying no heed to the common good, seeks his own private good [*bonum privatum*]. Wherefore the further he departs from the common good the more unjust will his government be (paragraph 24).

So what regime departs most fully from the common good? Oligarchy seeks the good of the few (*bonum paucorum*), Aquinas reasons, and so is more unjust than democracy's pursuit of the *bonum multorum*. But tyranny seeks the good of just one (*bonum tantum*

unius), which is the greatest departure from the common good of all: "For a large number is closer to the totality than a small number, and a small number than only one" (paragraph 24). It would have been illuminating had Aquinas referred to the "*bonum privatum paucorum*" and "*bonum privatum multorum*", although that would seem to be the sense in which he speaks of these goods.

These arguments about diversity of rulers are "made clear to those who consider the order of divine providence, which disposes everything in the best way" (paragraph 25). Good things ensue from one perfect cause; evil "results from any one partial defect." "Thus ugliness results in different ways from many causes; beauty in one way from one perfect cause," as the well-known teaching goes. He here vouches for the providence of this arrangement: "It is thus with all good and evil things, as if God so provided that good, arising from one cause, be stronger, and evil, arising from many causes, be weaker." What is good is stronger than what is evil, because evil depends upon many causes. Evil can arise from any defect in a cause, and the more defects, the more evil. Yet the more evil something is, the more causes it depends upon for its character. Evil is thus an ever-shifting attribute, for its specific defectiveness changes whenever one of its many causes is removed or altered. The political consequence of this teaching is straightforward:

> It is expedient therefore that a just government be that of one man only in order that it may be stronger; however, if the government should turn away from justice, it is more expedient that it be a government by many, so that it may be weaker and the many may mutually hinder one another. Among unjust governments, therefore, democracy is the most tolerable, but the worst is tyranny (paragraph 25).

Tyranny in its goal or final cause, injustice, could be not further from kingship. Yet in its formal unity, as the rule of one, it is the unjust regime most parasitic upon kingship.

Democracy in its multiplicity of unjust rulers is the most removed from kingship. What makes democracy so defective is also what limits its efficacy: "the many may mutually hinder one another".

Paragraph 26 opens with an extension of this teaching: "This same conclusion is also apparent if one considers the evils which come from tyrants." The tyrant seeks his *bonum privatum*, not the *bonum commune*. Different tyrants are motivated by different passions, and the same tyrant can be driven by multiple passions. And the *privatum bonum* the tyrant seeks he pursues single-mindedly. Thus he propagates pervasive and persistent instability throughout his regime. "Nobody," Aquinas elaborates, "will be able firmly to state: This thing is such and such, when it depends upon the will of another, not to say upon his caprice [*libido*]" (paragraph 26). "Keep far from the man who has the power to kill," Aquinas quotes Sirach 9:13, because, as Aquinas explains: "he kills not for justice's sake but by his power, for the lust of his will [*pro libidine voluntatis*]."

Libido is a charged word for Aquinas, recalling Augustine's theological history of Rome (*De Civitate Dei* V.12-21). The desire of the Romans to control other peoples was absolute, an insatiable appetite hemmed in only by propriety. Thus it is no surprise that Aquinas' model tyrant herein seeks total control of his subjects, body and soul. The tyrant does not seek "merely" to control his subjects "in corporal things", but also "hinders their spiritual good." As Aquinas has it, they do not seek to control their subject in spiritual matters only for their need to control them. They also fear "all excellence in their subjects to be prejudicial to their own evil domination. For tyrants hold the good in greater suspicion than the wicked, and to them the valour of others is always fraught with danger." As Aquinas goes on to describe in paragraph 27, the tyrant fears in all their forms the virtues of and amicitia between others. The tyrant will "sow discords among the people", nurture pre-existing ones, and generally "forbid anything which furthers

society and cooperation among men," mentioning among other things marriage.[31] Aquinas ends the paragraph on a Biblical note: "The sound of dread is always in his ears and when there is peace (that is, when there is no one to harm him), he always suspects treason" (Job 15:21). It is perhaps no surprise, then, that few virtuous men are to be found in the tyrannical regime. In a florilegium of quotations from Aristotle, Cicerco (always "Tullius") and St. Paul, Aquinas deftly recapitulates the lesson of the tyrant:

> For, according to Aristotle's sentence [*NE* 1116a 20], brave men are found where brave men are honoured. And as Tullius says [*Tuscul. Disp.* I, 2, 4]: "Those who are despised by everybody are disheartened and flourish but little." It is also natural that men, brought up in fear, should become mean of spirit and discouraged in the face of any strenuous and manly task. This is shown by experience in provinces that have long been under tyrants. Hence the Apostle says to the Colossians [Col 3:21]: "Fathers, provoke not your children to indignation, lest they be discouraged."

These quotations expose several further layers of this teaching. Aquinas has had frequent recourse to the words *voluntas* and *libido* in this chapter; he closely connects the tyrant's search for the *privatum bonum* with passions divorced from reason. This is notable if only because in Chapter 1 Aquinas does not make clear the relation between the reason that rules man and the man that rules men. Further, what the tyrant loves is what flourishes in the regime; what he hates dies. The "loves" of the city, as Augustine would say, factor also in this series of quotations. Aristotle and Cicero attest to the formative influence a regime's paideia has on its citizens. Thus the quotation from St. Paul is all the more ambiguous, for he speaks at a different level: the family. Perhaps Aquinas means to

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31 Eschmann is right that Aristotle's *Politics*, the likely source of this section, contains no reference to tyrants suppressing marriage (Eschmann 1949, 17, footnote 11). As a Christian, Aquinas' concern with marriage will naturally exceed that of Aristotle, not only as the sacramental basis of society, but as the natural basis of society, as well (cf. *ST* III 65.2 ad 1).

emphasize that the head of a family exercises an influence over his children analogous to that of the leaders of a regime over their subjects.[32] But can the father exercise any decent influence over his children in a basically indecent regime? Surely the answer is yes, even if that education is necessarily defective. This answer is supported by another consideration: the good leader that reforms a bad regime has to come from somewhere. In ancient times it was often poetically suggested that great reformers or law-givers came from mythical or mysterious backgrounds. A Christian like Thomas Aquinas will not resort to anything like that, but he will have to show that the family and especially the father as the head of the family have the moral ability to rise above the depravity of a disordered regime. The family can become a sort of refuge from society, a place to cultivate excellence in a limited way and endure until circumstances are more auspicious for championing virtue. This notion has a particular significance for Christians, whose families are patterned after the earthly family of Jesus and whose greatest virtues are not cultivated or acquired but infused. Thus Aquinas might seek through this quotation to point out the importance of the family not only as analogous to the city, but also to remind us, as many Christian thinkers before him did, that the family can have a kind of autonomy from the regime that allows it to function as both a source of renewal for that regime.[33]

It would be easy to forget the beginning of this paragraph: "This same conclusion is also apparent if one considers the evils which come from tyrants." This "conclusion" concerns the multiple causes bringing about evil, pulling it in countless directions and vitiating it. Aquinas invoked this claim to argue that democracy was the most tolerable

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32 He makes a similar claim at *ST* I-II 90.3 ad 1, primarily to emphasize that the command of the father falls short of law.

33 Compare Augustine's famous discussion at *City of God* XIX.17 on the need in bad regimes for families to be just such a refuge.

unjust regime, because the multiplicity of agents would "hinder" one another's malefactions. But the argument also explains the behavior of one ruler, the tyrant. For all the dissension between squabbling democrats or oligarchs, conflict and confusion are also to be had within the psyche of a single tyrant. It makes him unpredictable, rapacious and self-defeating. *Pace* Machiavelli, there can be no "cruelty well-used" for the tyrant, because his reason is a slave to his passions.[34]

De Regno is littered with quotations of Solomon, and the paragraph that concludes Chapter 3 is no exception. This chapter has been notably rich for its invocation of Scripture. Aquinas, following the procedure of the *Summa Contra Gentiles*, has generally placed Scriptural quotations at the end of philosophical arguments. But are these quotations largely illustrative or exemplary? These Solomon quotations, for instance, seem to be pious sayings that support but do not extend the conclusions of the chapter. Consider the second quotation: "When the wicked rise up men shall hide themselves" (Prov 28:28). Aquinas explains: "It is no wonder, for a man governing without reason, according to the lust of his soul [*secundum animae suae libidinem*], in no way differs from the beast." This is not simply an interpretation of the text, but rather an allusion to Aristotle's great claim that those who live outside of the polis must be either beast or god. The tyrant who thinks himself a god is actually the beast who destroys the polis in trying to making it fit for his habitation.

Chapter 3 has been engrossing in part because Aquinas is therein far more direct about the nature of tyranny than he has hitherto been about the nature of kingship. One could perhaps draw an indirect teaching from it: if the tyrant destroys virtue and friendship among the citizens, and encourages faction and vicious hate, then the king

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34 *The Prince* VIII (Quotations from *The Prince* come from the Mansfield translation, and follow his citation practice of chapter and, when necessary, page number.)

presumably fosters virtue and friendship, seeking order and concord. Or at least he does not prevent virtue and friendship. But it is without a doubt tyranny that is Aquinas' focus in this chapter. He presents an impressive metaphysics of tyranny, one predicated upon the multiplicity and weakness of its contradictory causes. Whatever the *pacis unitas* is, it is not this. Unjust rule involves ruling men for the private good of the ruler, and treating the populace like slaves (paragraph 10). For the *servus* is one who is not his own cause, but the instrument of another. Yet in this chapter it has not been the populace who have been the *servi* so much as the tyrant.

To someone well versed in Aquinas' political thought, it might seem that *De Regno* has presented a very weighty teaching thus far. We have after all been able to make numerous connections between what has been written here and in other places in Aquinas' oeuvre. For our king, however, what has been presented must seem thin and indirect. Most notably, while Aquinas did present a compelling case for the need for government (I.1), this was not an argument that promised a particularly virtuous or just society. Subsequently, Aquinas has made a more thorough and concrete case for the inferiority of tyranny (I.3, or 9 paragraphs) than for the superiority of monarchy (I.2, at 5 paragraphs). This has allowed him to say more about the nature of injustice and the slavish regime. Not only is length at issue, but also quality: while Aquinas' defense of monarchy as the best regime was an abstract argument from unity and the imitation of nature, his vilification of tyranny descends immediately into practical details, in effect limiting our knowledge of concrete politics to tyranny. But why not more about kingship?

It is a strange teaching moreover because it seems to depend upon tyranny and kingship being quite similar in one respect and very different in another one. Thus everything depends upon being clear on the exact sense in which they are similar and different. Chapter 4 takes up this problem.

CHAPTER IV

From the question "What is a king?" Aquinas has proceeded to ask which regime is best and which is worst. Kingship is indeed the best, and tyranny is the worst. The inferiority of tyranny Aquinas originally presents as simply "the contrary of the best" (paragraph 22). The inverted term is the rule of one:

> Because therefore the best and the worst [government] are latent in monarchy, i.e. in the rule of one, the royal dignity is rendered hateful to many on account of the wickedness of tyrants. Some men, indeed, whilst they desire the rule of a king, fall under the cruelty of tyrants, and exceedingly many [*quamplures*] rulers exercise tyranny under the pretence of royal dignity (paragraph 30).

The rule of one issues in both royal and tyrannical rule. This fact presents a considerable difficulty for kings. In the popular mind, kings are *odiosa* because of their association with tyranny. This is not just a theoretical confusion, but a practical one: men seeking to install a king end up with a tyrant. Then, too, many tyrants take advantage of this confusion, ruling behind a façade of royal justice. When Aquinas with Isidore suggests that all *potentes* are called tyrants, it is in light of this ambiguity that he speaks (paragraph 11). But given that this work is an educative text for a king, we might wonder: if the confusion between tyranny and monarchy is such that many subjects are deceived between the two, is it possible that some rulers are also deceived by this distinction, or that they deceive themselves? Then it would not simply be the case that some tyrants pretend to be kings, but also that some kings "fall under the cruelty" of their own tyrannical rule. Such a teaching would not only be a highly edifying one for our Cypriot, but also reinforce the lesson of Chapter 3, that according to which tyrannical rule is a

slavery first and foremost of the tyrant himself. For perhaps this slavery begins with a kind of ignorance of the nature of justice.[35]

In any event, Chapter 4 addresses the hatefulness of the royal dignity thanks to tyranny through the "clear example" of this dynamic in the case of Rome (paragraphs 31-33) and a "similar process" among the Hebrew people (34).

Rome's early kings made the word *rex* detestable, although they were really tyrants, Aquinas argues, not kings (paragraph 31).[36] The aristocratic regime that subsequently developed had much to recommend it. "For it frequently happens," Aquinas reasons, "that men living under a king strive more sluggishly for the common good… But when they see that the common good is not under the power of one man, they do not attend to it as if it belonged to another, but each one attends to it as if it were his own." This is a startling admission on Aquinas' part. He has had nothing ill to say of monarchy, and little at all about rule by the few. Chapter 2, which considered the best regime, notably omitted that option. Now he not only suggests that kingship can lead men to a tepid defense of the common good, but that aristocracy can be a greater boon to that good. A city under rotating leaders can sometimes achieve a great deal more than those under kings: "small services extracted by kings weigh more heavily than great burdens if imposed by the community of citizens" (paragraph 32). Indeed, he argues, the Roman Republic incorporated the plebeians quite successfully, through the army, and the wealthy stinted nothing toward the defense of the common good in time of need.

Yet this regime too came to an end. "Continual dissensions" led to civil wars, and those wars spelled the demise of their liberty. Then arose the Empire, whose emperors

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35 Cf. Budziszewski 2011

36 See Kalyvas 2007. Perhaps we might amend the above-mentioned suggestion of Isidore to suggest that the early Romans did distinguish between tyranny and kingship, but only after they had discarded both.

while avoiding the title *rex* were monarchs nonetheless, and often tyrannical ones. Some of them were just, Aquinas admits: "But most of them became tyrants towards their subjects while indolent and vacillating before their enemies, and brought the Roman commonwealth to naught" (paragraph 33). This is the very inverse of their republican and military glory. Aquinas argued at the beginning of the chapter that men seek kings but end up with tyrants, and tyrants masquerade under the name of king. In the Roman example, however, tyrants precisely did not do this: they eschewed the name king just because of the associations with tyranny it raises. The emperors rather claimed to rule for Rome as new consuls. But this suggests that any regime, not just monarchy, can degenerate into tyranny. What counts ultimately is that the tyrant can claim to serve the common good.

This last claim, however, is a disturbing one, as Aquinas appeared to agree with Sallust that every citizen of the Roman Republic loved the common good in a way that they did not under the old kings. Will this republican virtue not prevent tyranny? How did the emperors become able to abuse the common good? One clue is these "continual dissensions" that Aquinas mentions without explanation, as though they were there from the beginning. However these dissensions started, they eventually built up to civil war. Can we connect this discussion to Aquinas' discussions in Chapters 2-3 about the need for unity in rule? Perhaps in Rome's early period she benefitted from the diversity of her citizens; later, however, this diversity turned into faction. She then became internally divided and vulnerable, at first to Roman strongmen, later to foreign invaders. More speculatively, we might connect this dynamic to the war that so quietly pervades this section. Rome after all built herself on the military spirit of its citizens, whether great or small: this is how she incorporated them into a predominantly aristocratic mixed regime. So long as Caesar had Gauls to subdue, Rome had new treasures for her leaders and new

lands for her plebeians: so she grew and prospered. But when this military spirit turned inward, the wars became internal, and the "continual dissensions" we puzzled over were simply the consequences of her partial virtues brought home. The collapse of the Republic culminated in tyranny. In other words, Rome in abandoning monarchy for the wrong reasons opened itself to tyranny. Perhaps, as with our conclusions about I.1, in attempting to become a provincia Rome became less than a polis.[37]

The example of the Hebrews is similarly complex. The Hebrew people, Aquinas begins, were ruled by judges, but persuaded God to grant them kings (1 Sam 8). These kings were wicked and led them into idolatry, and then into "captivity." What are we to make of this example? The rule of judges was no good thing, Aquinas argues, for owing to the Hebrews' weakness "they were ravished by their enemies on every hand". Yet they fared no better under kings: first they abandoned God, and then they were enslaved by foreign forces. Is this because they picked the wrong kings?

Strikingly, according to Aquinas the initial difference between their condition under judges and under kings was not temporal but spiritual. They abandoned judgeship because of temporal failures, but kingship in the first place led to a worsening of their spiritual condition, and then subsequently to temporal failure as well. Thus, as Aquinas states in the beginning of this chapter, they desired a king but fell under tyranny. Perhaps they desired kingship not for bad political reasons, but out of spiritual malady.

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37 I thus agree with Stoner that "It is hard to imagine a stronger argument in favor of republicanism" than Aquinas' treatment of Sallust, and that the question for Aquinas (and us) is whether the republic can contain or reform the often perverse wills of men that are given new political power under the republic (Stoner 2007, 12-13). This surprising openness to republicanism is indeed part of what makes Aquinas' defense of kingship "ironic," as Stoner stresses. Yet it is nonetheless a defense, and we might wonder if Aquinas' final education of our king leads to a royal mixed regime like that of the *Summa Theologiae*. Stoner also makes the surprisingly needful point that asking whether Aquinas advocated republicanism is not to ask whether he was the "first Whig" (Stoner 2007, 2, footnote 1).

According to Scripture, although Aquinas only elliptically suggests it with "at their own pressing," God did not want to grant Israel a king in the first place. Why is this? Perhaps because they wished for monarchy for the wrong reasons? Indeed, the Hebrews found the rule of Samuel's sons unjust, but the people also express to Samuel a desire to be "like all the [other] nations" (1 Sam 5), a request with profound theological undertones given that they knew God had set them apart as a chosen people. Thus God's response to Samuel: "You are not the one they are rejecting. They are rejecting me as their king" (1 Sam 7). This would seem to recall the teaching of the prooemium. Perhaps in seeking leaders who would better secure their prosperity, they elected among them rulers who cared more for possessions more than for virtue, rulers who came to care for their own possessions, the *privatum bonum*, more than their subjects' possessions, never mind their subjects' virtues.

The Hebrew example might help us to make more sense of Aquinas' account of Rome. I suggested that the decline of Rome had in part to do with the lack of unity in the ruling element, a point that Aquinas has repeatedly stressed. But note something more. If the Roman tyrants did not call themselves kings, as Aquinas predicted, it is because the Roman people themselves did not want kings. Yet the Romans did seek a just regime, aristocracy, and after becoming a republic finally ended in an unjust regime, tyranny. What is more, it was precisely the emperors' avoidance of the title *rex* that made the Romans blind for so long to their usurpations. One might wonder if, as with the Hebrews, Rome's decline connects to its orientation to the common good. Perhaps any regime pursued for the wrong reasons, whether monarchy or otherwise, leads to tyranny. Note, for instance, that after they overthrew their kings, the Roman citizen began to work toward the common good "as if it were his own" (paragraph 31). This sounds initially

like an endorsement of the Roman polyarchy.[38] But at some point it came about that the Romans only cared for their own private goods, and they were ruled by men who were animated by this greed. It seems that, like the Hebrews, the Romans sought regime change not because of the inferiority of their regime, or not just because of some inferiority in their regime, but because they wanted to grasp power for themselves. Perhaps as Sallust said they worked toward the common good, but they worked toward it not as common but as something to be grasped for themselves.[39] Then Aquinas would seem to be warning that changing regime forms often happens as a result of a community's illegitimate deliberation on the ends of political society.

What are we to conclude from this chapter? Not only are monarchy and tyranny closely linked theoretically: their close identification has considerable practical implications. Thus Aquinas can conclude:

> Danger thus lurks on either side: whether while the tyrant is feared the best rule of the king is missed, or, that considered, royal power turns into tyrannical wickedness (paragraph 35).

This chapter could be of no comfort to our king. For if the chapter seemed to begin with a need to explain why the people can confuse monarchy for tyranny, then the chapter concludes with a strong argument that these regimes are not confused but fused. And so Aquinas has led us to see that the greatest danger of monarchy is not that arising from the convention that kingship easily lapses into tyranny, but that there is considerable truth to this convention.

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38 We noted earlier that Aquinas uses *regimen plurium* at points to refer to aristocracy and polity, as in "whether to be ruled by many or one [*a pluribus regi, vel uno*]" (paragraph 16).

39 One thinks of Mandeville's *Fable of the Bees*.

But then, writing for a king, this might all seem quite the useful lesson for considering not only how one ought not to be mistaken for a tyrant, but also how not to be a tyrant. Given Aquinas' audience, this is likely the more important teaching.

CHAPTER V

Chapter 4 muddies the distinction between kingship and tyranny gradually developed over the first three chapters. From Chapter 4 we might have formed the impression that kingship must be avoided to circumvent tyranny. We might have even decided that kingship is not the best regime, or at least is not the best regime for practical purposes, because it deviates so readily into tyranny. If this is a possible conclusion from Chapter 4, Aquinas means to disabuse us of it in Chapter 5. It opens thus:

> When one must choose between two things, from both of which danger impends, surely that one should be chosen from which the lesser evil follows. Now from monarchy, if converted into tyranny, less evil follows than from an aristocracy [*regimen plurium optimatum*] when corrupted (paragraph 36).

Another arresting claim: tyranny produces less evil than oligarchy. How is this possible? Did we not learn in Chapter 3 that the contrary of the best is the worst, and that tyranny is the contrary of the best regime, monarchy?

Aquinas explains. Dissension most often arises from polyarchy (*regimen plurium*). Such dissension pervading a multitude "runs counter to the good of peace, which is the chief thing [*praecipuum*]." A tyrant does not destroy this good, but only "obstructs some goods of particular men" (paragraph 37). But how is this possible given the chaotic picture of tyranny that Aquinas presents in Chapter 3? The sentence continues: "unless there be an excess of tyranny [*excessus tyrannidis*] and he rages against the entire community." Aquinas seems to be arguing, then, that in most cases the

corruption of monarchy does not lead to an "excess of tyranny", but only some milder form. In that case, Chapter 3 would seem to be describing tyranny as precisely the "excess" that "rages against the entire community" and to the mortal detriment of the *praecipuum* of the *bonum pacis*.

Aquinas offers two more arguments for why oligarchy is more dangerous than tyranny. The first is this: that which produces dangers with greater frequency is to be avoided, and polyarchy (*regimen multorum*) turns to oligarchy more often than monarchy turns to tyranny. This proceeds from Aquinas' arguments in Chapters 3 and 4 according to which evil arises from multiple causes. When many rule, there is a greater chance that any one of them will abandon the common good (*divertat ab intentione communis boni*). And when any one of them does this, the entire group of rulers is threatened by internal strife. This strife in turns leads to dissension among the people. But the monarch is only one man, so there is no chance of him being drawn into conflict with other rulers. And when he does fall away from the common good,

> …it does not immediately follow that he proceeds to the total oppression of his subjects, which is the excess of tyranny [*excessus tyrannidis*] and the worst wickedness in government [*et in malitia regiminis maximum gradum tenens*], as was shown above (paragraph 38).

Eschmann notes that "as shown above" refers to the discussion of Chapter 3 on tyranny. According to Eschmann, the reversal here of the claims of that chapter is only apparent, because "the reasoning of ch. III proceeds on the supposition of an absolute and total tyranny, which is here expressly set aside."[40] This is true so far as it goes. Aquinas uses the phrase *excessus tyrannidis* here, the same one he employed in the previous paragraph (37) to distinguish the tyranny that apparently rarely happens from the more mild or

40 Eschmann 1949, 22, footnote 1

moderate tyranny that he compares with oligarchy in this chapter. As with the previous argument, Aquinas argues here that a king can fall away from justice without lapsing into unrestricted tyranny, and that this moderate tyranny is the more likely outcome.

But has not this shift stacked the deck for monarchy? Aquinas defines tyranny in the most awful terms in Chapter 3 in contrasting it with kingship, but in Chapter 5 he contrasts it favorably with oligarchy. He does this, in turn, because of what comes in between: tyranny at its worst, he argues in Chapter 4, is a serious argument against monarchy altogether. Taking into full account the argument of Chapter 5, the confusion between kingship and tyranny we saw in Chapter 4, although still a grave matter, would then seem to arise from a relatively rare manifestation of tyranny. Thus Aquinas can claim that the effects of the corruption of aristocracy are typically worse than those of the corruption of kingship, eliminating a doubt as to whether we should really prefer monarchy. This would be particularly welcome news to our royal reader, who might have formed the impression that monarchy frequently descends into total tyranny. But Aquinas now tells him that such occurrences are not common, and that only a mild form of tyranny normally ensues.

Aquinas' last reason is yet another surprise: not only does polyarchy devolve into oligarchy more often than kingship does into tyranny, but "a polyarchy deviates into tyranny not less but perhaps more frequently than a monarchy" (paragraph 39). In the case of dissension among multiple rulers, "it often happens that the power of one preponderates and he then usurps the government of the multitude for himself." This fits with Aquinas' concern in the previous paragraph that it only requires one unjust ruler to pervert polyarchy: in all likelihood it is this very ruler who quietly amasses power to then depose the others. Aquinas can thus sum up the historical record he has investigated in these past few chapters: "There has hardly even been a polyarchy that did not end in

tyranny." More tyrannies, Aquinas goes on to argue, have arisen in lands ruled by many than in those ruled by one. In what political formation did this dynamic most "manifestly appear"? The Roman Republic. The lengthy rule of magistrates gave way to "the most cruel tyrants," disintegrating under the pressure of civil wars and dissension, fomented by a parade of ambitious and selfish supposed republicans. This is the same history Aquinas presented in Chapter 4 at paragraph 33, although in that chapter Aquinas notes that kings preceded the magistrates. We at the time found that historical investigation difficult to grasp. Now Aquinas' point is clear: tyranny cannot be avoided by rejecting kingship. In fact, the degeneration of polyarchy itself reveals a monarchical principle, and a tyrannical one at that.[41] Aquinas therefore ends this chapter with a restatement of the problem that lurked beneath the surface of Chapter 4 and was brought to the fore in this one:

> The strongest objection why monarchy, although it is "the best form of government", is not agreeable to the people is that, in fact, it may deviate into tyranny. Yet tyranny is wont to occur not less but more frequently on the basis of a polyarchy than on the basis of a monarchy. It follows that it is, in any case, more expedient to live under one king than under the rule of several men (paragraph 40).

It has been Aquinas' goal in reformulating the threat of tyranny to preserve or re-assert the excellence of kingship. In comparing monarchy favorably with the worst of tyranny, and comparing oligarchy unfavorably with mild tyranny, he paints tyranny as such in the worst light, while being more forgiving toward those instances of mild tyranny that are perhaps no more than minor detours from kingship.

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41 By "monarchical" I mean rule by one, not whether it is just (royal) or unjust (tyrannical). Aquinas himself seems to use *regimen unius* in this generic sense, with *monarchia* being far less common (only at I.5, I.6), and *rex* for the king. Most of Eschmann's renderings of "monarchy" are in fact *regimen unius*.

Aristotle also spoke of two kinds of tyranny, although it is unclear how closely Aquinas read that portion of the *Politics*.[42] Concerning the question as to how to preserve tyrannies, Aristotle writes that tyrants have two choices: first the "traditional way," by which the tyrant attempts to control his citizens and territory to the greatest possible extent, or second, an apparently novel way, by playing the part of a king, winning the people over to him.[43] This second way, Aristotle says, "one can get an understanding of… from the way kingship is destroyed." As one destroys kingship by making it more tyrannical, so one can "save" tyranny by making it more kingly. While the emphasis is on the tyrant "appearing" to be good, according to Aristotle he must conduct himself in a fairly decent way most of the time for this ploy to succeed. This tyrant could easily be mistaken for an imperfect king trying to become better. But perhaps this is Aristotle's intent: in so acting, the tyrant's reign will "be more noble and more enviable", and he will render himself "nobly disposed for virtue", and "not wicked but half wicked."[44]

The first "method" matches Aquinas' *excessus tyrannidis*: the tyrant who pants after power and possessions, who incurs universal hatred and must take extraordinary steps to preserve himself. The second, the tyrant who appears royal, seems to correspond to Aquinas' moderate tyrant, the king who departs only minimally from justice.

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42 I say "unclear" not to cast doubt but to admit ignorance: Aquinas' *Commentary on Aristotle's "Politics"* ends abruptly early in Book III, thus raising enticing questions about how closely Aquinas studied what followed or what he judged to be its value (Keys 2005, 15-21). One must bear in mind that Aquinas did not complete a great many of his works, and a disproportionate number of his incomplete works are Aristotelian commentaries (Torrell 2005). Further, we have hardly begun to ask why Aquinas composed the Aristotelian commentaries. Perhaps his purposes were served by what he completed? Given how little of Aquinas' works directly impinge upon politics, it would be fascinating to know whether his failure to complete his *Politics* commentary indicates less a dissatisfaction with Aristotle's teaching on politics than a greater interest in other subjects, most obviously the systematic theology that absorbed his later years.

43 *Politics* 1314a29-1315b10

44 *Politics* 1315a40-b10

But granting a similarity between these teachings, what is Aristotle trying to accomplish through his, and could the same be said for Aquinas? Simpson offers a helpful commentary on this portion of the *Politics*.[45] If it seems strange that Aristotle should offer advice on preserving tyranny, we might consider that a citizen or sage may very well be asked to advise an unjust monarch on such matters.[46] He would have to say something about the "traditional" method of preserving tyranny, both because it is such an obvious solution and because it is one any tyrant would know. But does this mean the advisor must recommend it? Not exactly. Aristotle suggests, Simpson thinks, that we point out a better way to the tyrant. Holding to the pretense of advising a tyrant, we can suggest another way to preserve tyranny, one that happens to be in the self-interest of the tyrant and of his people precisely because it directs him and his people toward the good. Thus this section of the *Politics* could function as a kind of education for the less-than-perfect monarch whose rule must be directed toward kingship and justice.

But is this not the point of *De Regno* as well? For if a tyrant is not necessarily a raging slave to erotic lusts, but perhaps often instead a misguided or inexperienced ruler who is only somewhat unjust, then Aquinas has widened the net to take in a fair number of would-be kings who rarely go by the name "tyrant." He includes those who rule out of selfish reasons but see the need to effect more than that in their governance. Thus he presents perversions of monarchy as actually quite common, and not necessarily particularly unjust. We will have to keep reading *De Regno* to see if this is really what Aquinas is up to, but it is certainly a funny conclusion to a series of chapters lamenting

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45 Simpson 1998, 411-15

46 To call a tyrant a tyrant is not something one does in modern political science (cf. Strauss 1963, 22-24).

the horrors of tyranny. Yet he also warns that such kings flirt with something far worse: full-blown tyranny of the sort that enslaves the tyrant's passions.

Aquinas has not deepened our knowledge of the meaning of *bonum commune* or *unitas pacis*. On the other hand, he has presented his political teaching in an engrossing blend of metaphysics and convention, philosophy and theology. This has been no manual or textbook. Chapters 4 and 5 concern popular opinions about monarchy that are not wholly wrong but stand in need of correction, both on their own terms and according to additional considerations that Aquinas lays out. Aquinas has not sought to dismiss popular beliefs out of hand, but to examine them so as to learn from what they teach us about politics and about what people think about politics.

CHAPTER VI

If Chapter 4 raised doubts about monarchy, Aquinas seems to suggest in Chapter 5 that kingship is yet the best defense against tyranny: the disposition to foster a just monarchy and not the acceptance of a second-best regime secures politics against injustice. In other words: the commitment to justice cannot be abandoned, and will lead us to give monarchy, with all of its dangers and perils, a second look. Aquinas opens Chapter 6 with a re-iteration of this point. He then proposes to show how tyranny can be prevented among monarchs. Aquinas states three conditions for avoiding tyranny: selecting the right man; carefully arranging his government; and the tempering of his power.[47] Aquinas cites 1 Samuel 13:14 in explanation of the first condition:

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47 Eschmann and Carlyle believe that a fuller treatment of this third consideration would have shown Aquinas to be advocating a constitutional or limited monarchy (Eschmann 1949, 24, footnote 2 (citing *ST* I-II.105.1) and Carlyle 1936, V.94). That could well be true. Yet *De Regno* is not a treatise but a *speculum principum*. Thus we might think of this less as a lacuna than a deliberate decision not to discuss this topic here. Why Aquinas does not raise the question here is more important than whether he could have done so.

> Wherefore Samuel, commending the providence of God with respect to the institution of the king says: "The Lord sought a man according to his own heart, and the Lord appointed him to be prince over his people" (paragraph 42).

This quotation is in fact an admonition of Samuel to Saul that Saul's kingdom will be destroyed and Saul removed from the throne.[48] The New American Bible renders 1 Sam 13:13-14:

> Samuel replied to Saul: "You have acted foolishly! Had you kept the command the LORD your God gave you, the LORD would now establish your kingship in Israel forever; but now your kingship shall not endure. The LORD has sought out a man after his own heart to appoint as ruler over his people because you did not observe what the LORD commanded you."[49]

If God can reward men by placing them on the throne, he can also punish tyrants by removing them. As Eschmann notes, the business of preventing tyranny only occupies these first two paragraphs of the chapter (Eschmann 1949, xviii). The remainder of this long chapter is given over to provision for the king lapsing into tyranny. This is perhaps the most disconcerting lacuna in the text, not least because Aquinas has thus far devoted more attention to the evil qualities of the tyrant than to the character of the just king. This next section, in turn, will turn out to bear chiefly upon the populace rather than upon the tyrant. We might think that Aquinas does not discuss the selection of a king because it is a moot point for our king: he has already been selected. As for the arrangement of his government, is this also because our king has a government already in place? If this is the case, Aquinas might not simply be avoiding wasted space: he might also want to avoid

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48 While the verse Aquinas has in mind seems to be 1 Samuel 13:14, with Samuel speaking, Busa thinks it to be from the first book of Kings, Kenny gets the book right but thinks Daniel is speaking, and Eschmann 1949 attributes it to 1 Kings and Daniel.

49 This quotation may not accord fully with that of Aquinas in part because Aquinas tended to quote from memory.

causing affront to an imperfect king and an imperfect government. He has, after all, gone to great lengths to compare kingship favorably with other regimes (I.3-5). Or is there some deeper strategy at work here? Perhaps Aquinas once again presses on to tyranny to give our king a negative teaching, an indirect discourse on kingship through a treatment of its unjust opposite.

Having not considered in any depth these initial questions, Aquinas proposes to move on: "Finally, provision must be made for facing the situation should the king stray into tyranny" (paragraph 43). He does not take long to make his point.

Aquinas rejects tyrranicide. Such attempts rarely succeed, and when they do they often lead to the rule of men as bad as or worse than the original tyrant. If there be no excess of tyranny [*excessus tyrannidis*], then the people should tolerate their tyrant, and private individuals should never take it upon themselves to act in the name of the people; this Aquinas thinks inevitably leads to faction (paragraphs 46-8). That tyranny falling short of *excessus tyrannidis* can be tolerated only bolsters Aquinas' earlier arguments that they are not an unconscionable threat to justice. And the more this is the case, the more it is also true that the lapse of monarchy into tyranny is not a strong argument against monarchy.

Yet if a tyrant's reign becomes unbearable, Aquinas argues, the manner of proceeding varies. A people can depose a tyrant if it was they who set him up. If some higher authority set up the king, such as an emperor, appeal should be made to that authority, who can depose the king. Yet if no human effort or help against the tyrant can be had, one option remains: prayer. For if tyranny is not simply caused by bad institutions or false philosophies but by a hard heart, then only God can turn the heart of the tyrant to the common good by softening his heart. Aquinas lists a few examples of this, including,

somewhat humorously, the drowning of the Egyptian pharaoh in the Red Sea at the climax of the Hebrew exodus (paragraph 51).

While this recourse to prayer will strike many modern readers as fantastic, two things are worth noting here. First, Aquinas does not mention appeal to the pope. The centuries preceding this work saw innumerable controversies over the temporal power of the pope and his ability to depose rulers, especially with regard to the ancestral homeland of the Norman king of Cyprus, France, but Aquinas does not raise this issue here.[50] Is this because Aquinas does not wish to distract his reader with contemporary issues likely to inflame his passions? Or is Aquinas trying to avoid a discussion of the Church, which thus far has gone unmentioned? Second, such prayer, Aquinas says, will only be efficacious if the people themselves turn away from sin. God gives the people a king in His anger with them, just as we would expect a self-interested ruler to emerge from a society of self-interested people, and only turning back toward Him will redeem them. And why remove a tyrant if a thousand members of the populace stand ready to take his place? We might see in this a subtle revision of his criticism of ancient Rome in chapter 4. Was Rome's decline into empire caused merely by bad rulers, or also by a morally weak populace? We might even think that the rulers and the ruled are bound by a culture of moral failure. This would bring Aquinas' understanding of Rome quite close to Augustine's famous view in *The City of God*, V.12-21.

Thus Aquinas cites Job that God "makes a man that is a hypocrite to reign for the sins of the people" (Job 34:30). As the reign of a hypocrite, tyranny is confirmed as the worst regime. And as a hypocrite, the tyrant himself is the worst sort of man. Yet it this regime and this ruler, Aquinas urges, that nations can sometimes come to deserve.

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50 As Genicot 1976 notes, *De Regno* notably lacks any explicit references to contemporary political events, although Eschmann thinks he finds one at paragraph 39.

Tyranny might not just be an isolated political problem of the bad man with political power, then, or it might not only or always be that. Perhaps tyranny more fundamentally stems from the sickness of a paideia, an entire society losing its way. We again hear echoes of Augustine's *City of God*, for this sounds much like the earthly city [*civitas terrena*] or City of man. In fact, Aquinas ends chapter 6 with one of this book's most Augustinian lines: "Therefore sin must be obliterated, that the plague of tyrants may cease" [*Tollenda est igitur culpa, ut cesset a tyrannorum plaga*]." For tyranny is a punishment for sin, and so the tyrant is an instrument of God's justice.

Chapter 6 has done little to settle our picture of monarchy. For on the one hand, tyranny is the very worst regime, invariably radically corrupting monarchy. On the other hand, tyranny rarely degenerates that far, and so monarchy remains the best regime, practically and theoretically. So how does one prevent tyranny from imperilling justice? And, to repeat our endless question, what is the end of kingship that it so often degenerates slightly but rarely to tyrannical excess? Moreover, what precisely is the main thrust of Chapter 6 if mild tyranny is to be tolerated, and salvation from full tyranny requires divine intervention? Does this mean that politics is hopeless? We would have a better grasp of this question if we knew just how pervasive Aquinas takes mild tyranny to be, and if we knew why Aquinas skimps on his description of selecting a just king in Chapter 6. For if this mild tyranny is quite pervasive, and selecting a would-be just king is not something Aquinas takes to be worth bothering about, then a rather dour image of politics emerges from *De Regno*. And this does not bode well for the answer to our question in chapter 1 about the relation between reason and the ruling element in a community.

CONCLUSION

We might ask to where our royal reader has been led. In the prooemium, Aquinas promises him a gift worthy of a king and fitting his office as a theologian, one Aquinas will execute through the full battery of theology, philosophy and history. In Chapters 1 and 2, Aquinas begins to lay down a political philosophy organized around the nature of community and the excellence of kingship. But where one might have expected him to explain to his reader the duty of the good king and the nature of the common good he serves, Aquinas instead ventures into an extended discussion of tyranny, particularly the practical problems associated with tyranny as closely related to, and thus popularly identified with, kingship. This prompts Aquinas to re-assert his defense of monarchy as the best regime, no doubt to the relief of the Cypriot, an argument that requires Aquinas to distinguish moderate from extreme tyranny. Aquinas thus keeps the ambiguities of monarchy – just in kingship, unjust in tyranny – at the center of his analysis. As we predicted in the beginning, *De Regno* is no ordinary *speculum principum*. For Aquinas has done a masterful job of safeguarding the excellence of monarchy in *De Regno*, but seemingly at the cost of admitting the incredible prevalence of tyranny. Perhaps the tyranny into which monarchy lapses is not often unbearable, but it is tyranny nonetheless. The Cypriot, then, must fear that it could slouch still further. And so he and we have every reason to learn more not about the tyranny that we already know threatens us, but about the kingship that would hold it at bay.

But why this winding organization? For one thing, Aquinas is not writing a theological textbook: he intends this work to be useful to a king. The presentation of the teaching dictated by the principles of practical philosophy might not be that presentation best suited to teaching a political man. Perhaps this tortuous organization also relates to the surprisingly negative tone. Assuming that this work is not meant to be simply a

collection of lamentations, it could be a negative education. Indeed, Aristotle leads a tyrant to become more kingly through a pretense of preserving that tyrannical regime; Simonides in the *Hiero* similarly seems to draw the tyrant Hiero toward kingship by coaxing him to tell him of the reputed benefits of tyranny. Aquinas like them might want to put the horrors of tyrannical rule before the king, and by a method that allows the tyrant to recognize these horrors for himself. Thus Aquinas will never himself suggest that the king is a tyrant or potentially tyrannical.

What specific teachings on tyranny does Aquinas advance? There are four of which we have taken notice, bearing in mind the primarily negative and indirect method Aquinas has adopted thus far: (1) no regime is safe from lapsing into tyranny, and aristocracy and polity are no safer than monarchy (paragraphs 36-40); (2) changes in regime form will not protect a community from tyranny if that community's own resolve to justice falters (paragraphs 31-35); (3) when citizens' injustice leads to tyranny, they must reform themselves before tyranny can be brought to an end (paragraphs 51-52); but, (4) while men typically know what they do not want from a tyrant, oppression, they do not seem to know what should be the purpose of just government, what justice should look like, thus condemning themselves to tyranny (paragraphs 31-33; 45-48). This last point might point to an articulation of the rhetorical dimension of *De Regno*. Perhaps Aquinas has spoken of the tyrant rather than the king and the *servus* rather than the *liber* because he is not yet ready to introduce his positive teaching for some reason, but also perhaps to mimic the state of knowledge of politically active men. The images of tyranny and slavery that Aquinas presents to the king are horrifying, and surely they would lead most rulers to seek justice. But do such images point us unambiguously to the true form of justice, to the best form of government? Perhaps not, according to chapter 4 and the lessons of Rome and Israel. So if in the constant change and motion that is politics rulers

set the course of politics to avoid the easily identifiable dangers of tyranny, we could worry that they would still lack a firm knowledge of that toward which politics should advance. Thus it might seem that the two-fold task of *De Regno* is to urge our king to avoid deliberating about the ends of politics, namely justice, yet also to think speculatively about just what justice is and what it requires.

Part of this search for political wisdom requires identifying where wisdom is to be found. Must the king become a theologian to serve justice? Does Aquinas propose a strictly philosophical teaching in *De Regno*? Thus far, we again encounter aporia. According to some, Aquinas puts both Scripture and philosophy to very light use in *De Regno*, the very sources through which Aquinas promised to teach us in the prooemium.[51] But if the teaching has been negative, do we yet know the positive teaching? Perhaps we cannot say to what use the Bible and the ancients are being put. And in any event, the use of such sources has been more perplexing than mundane. In a book written by a theologian for a king, Aquinas has said little about the virtue or piety that would even necessitate a turn to the Bible or the philosophers, nor has he spoken explicitly of any end or happiness of man the knowledge of which would require such wisdom. Scripture has been used to illustrate or deepen some arguments, but Aquinas has not used revelation to ground any positive teaching. Perhaps because the political arrangements of the Old Testament do not bind Christians?[52] Yet his New Testament quotations do not seem to offer systematic direction, either.[53] His discussion of the God-king analogy takes its principles from natural political theology. Conversely, Aquinas has treated extensively on the natural causes and evils of tyranny. While invocations of Scripture like David as

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51 Jordan 1992, 157-60

52 *ST* I-II.98-108; cf. Kries 1990

53 Schall 2000

servus meus are suggestive, we do not know from *De Regno* if this is meant to be a seal on Aquinas' philosophical teaching or if a king's service to God should lead him to act beyond or against reason.[54] There is certainly no "political theology."[55] So what is this theologian teaching the king?

I.1-6 of *De Regno* might seem "philosophical" insofar as systematic theology is conspicuously absent from it. If it is, however, it is quite a thin political philosophy.[56] Aquinas has not shown that reason can secure justice in man's community. As Eschmann notes, the proof of man's sociality advanced by Aquinas in I.1 of *De Regno* is Avicennan rather than Aristotelian: man's needs and utility are the key to his political nature.[57] Man's *koinonia* is meant to serve instrumentally to remedy a lack, not to realize anything in man that would show him to be political or social. Is the *bonum commune* about more than meeting material needs? Aquinas has acknowledged that the point of living in society is living, but certainly not that it is living well.[58] *Pace* Manent and (possibly) Dawson, then, Aquinas' great political work thus far cannot be accused of exaggerating in a "neo-Aristotelian" fashion the autonomy of the temporal from supernatural concerns.[59]

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54 A student of Aquinas might object that we know Aquinas not to be a fideist. Perhaps we do, but we are interested here in how he presents himself – and his teaching – to the king. Only thereby will we understand how Aquinas means this *speculum principum* to function.

55 Cf Nelson 2010, 142, footnote 3; Maritain 1955, 100 and Maritain 1940, 120, fn 1

56 One might take it to be Blondel's "philosophy of insufficiency" (Blondel 1931 and 1932), as Cain 2007 seems to.

57 Eschmann 1949, 4, footnotes 2-3; cf. Pinckaers 1995, 432

58 Perhaps Aquinas, more in the tradition of Augustine than that of Aristotle, has modest hopes for our ability to live well in this life? (Kraynak 2001)

59 Manent 1996, 11-12, and Dawson 2008 [1965] 253, 261, 280, 286

Thus, in seeking answers to Aquinas' positive teaching in this work, we might hope that he not only addresses the nature of kingship and the common good in relation to reason, his intriguing but vague schema of the common, proper and private good, how the common good is a "unity of peace", and in what relation each citizen as a *sui causa* stands to this common good. We will also wish him to address why he has made this education of a prince thus far primarily a teaching in which the distinction between king and tyrant is obscured. And by "obscured" I do not mean that he denies the distinction like Hobbes or Machiavelli, but that he has not told us enough to differentiate the two regimes sufficiently.[60] Indeed, he promised at I.4 that such a distinction would be difficult to make in practice. And perhaps in so doing Aquinas will make clear whether to his mind politics depends upon affirming a certain scope for theology and revelation in public affairs.

We will also want to observe whether Aquinas invokes well-known features of his later political theology, particularly the natural law and constitutional monarchy.[61] Nothing has been said of natural law thus far, a notable omission for a thinker whose politics is often said to depend upon it.[62] Perhaps its absence is of a piece with Aquinas' general silence on virtue and the common good.[63] Then, too, Aquinas in these early chapters champions potent monarchy. But in other places, especially the *Summa Theologiae*, he recommends a mixed regime. Eschmann and Carlyle think they find evidence of restraints on monarchy's power in this section, and it would be obtuse to

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60 Strauss, 1963, 24

61 It should now be clear to the reader that by "political theology" we mean not that of Carl Schmitt, as will become clearer as we progress in our analysis. This is not to say, however, that we should abandon the phrase.

62 Guerra 2002, 14, footnote 2

63 Guerra 2002

deny that evidence. Yet I would again urge us to ask: why, in a letter designed to educate a king, does Aquinas not see fit to expand on this subject when he has had the opportunity to do so multiple times?[64] At least on my reading of *De Regno*, we gain less from importing into *De Regno* political teachings that Aquinas would write a decade later than from considering the singularly odd order and emphasis of these teachings. In this odd order may hide great surprises.

Aquinas' dour focus on tyranny in the first six chapters of *De Regno* does not bode well for rational politics. Yet this teaching actually only occupies the latter chapters (I.3-6), and, thought it does little to support the promise of the first two chapters and especially the prooemium, it does not directly contradict that teaching. Aquinas moreover acknowledges in chapter 4 that a great problem for political life is distinguishing tyranny from monarchy. Thus we cannot be sure by the testimony of these chapters that Aquinas simply rejects the quest for the best regime.[65] Nor can we assume that he rejects the ability of philosophy or theology to uncover that regime or of man to instantiate it practically. We will, however, have to ask as we continue reading whether this order of presentation reflects a certain pedagogical strategy, and, if so, what it reveals about Aquinas' political thought.

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64 See footnote 47 on Eschmann and Carlyle

65 Cain 2007

Chapter Two

Thus far *De Regno* has been aporetic. The letter has led the reader to ask many questions for which there have been no immediate answers. Like all great aporetic texts, however, *De Regno* raises questions precisely because of how much it reveals. A king must lead his people to the common good; in so doing he is serving justice and God, and moreover fulfilling the promises of the best regime, kingship. Yet kings are in constant peril of becoming tyrants, and their citizens will often be suspicious of them. This is for good reason: tyranny is the worst regime and a nightmare for all who live under it. Thus we are led to continue reading *De Regno* not only because of a speculative interest in Aquinas completing his teaching, but also because, like Aquinas' royal reader, we have seen the urgent need for an effective teaching against tyranny.

As we noted in the introduction, I.7-12, or *De Praemio Regis* ("The Reward of the King") has been at the center of controversies concerning the proper ordering of the text of *De Regno*.[1] Yet such controversies have been carried out in the absence of close textual analysis of the work. Therefore our two-fold mission in this chapter will be to grasp the teaching of I.7-12 and clarify its teaching vis-à-vis that of I.1-6 says about the proper order of these sections.

CHAPTER VII

Chapter VII begins as follows:

> Since, according to what has been said thus far, it is of the king to seek the good of the multitude, the task of a king may seem too burdensome unless some proper

1 Eschmann 1949, xiv-xxi.

> good [*proprium bonum*] should come to him from it. It is fitting therefore to consider in what is a fitting reward [*praemium*] for a good king (paragraph 53).

The paragraph is strange for a number of reasons. First, it is an abrupt shift in focus: 1.3-6 concern tyranny, and now Aquinas proposes to treat not the long-awaited duties of the king, but their reward. While Aquinas has previously asserted that "it is the king's duty to seek [*quaerere*] the common good," he has said nothing as to what that common good is or in what that duty consists. As Eschmann notes, this idea has been articulated in chapter I as a purely theoretical matter, not as a practical one: the practical dimension of *De Regno* has dwelt only upon tyranny.[2] Thus it is the more striking that Aquinas asserts that the king's duty may seem "burdensome." And it is not only "burdensome," but also perhaps "too burdensome" save it should be accompanied by some "advantage" to the king. Yet Aquinas has taken pains to show that the tyrant bears tremendous burdens, and this because the tyrant rules for himself, not for the common good. Why then would Aquinas emphasize the burdens attached to the opposite of tyranny, kingship? Moreover, given that the king works for the common good, not his own private one, why would Aquinas associate the attainment of justice with a reward for the king, and not with the advantage of the common good? Does the king really work for the sake of the common good?

Seemingly oblivious to such considerations, Aquinas goes on to consider whether honor and glory could be the king's reward. Aquinas cites the reports of Aristotle and Cicero that some men say that honor and glory are the rewards proper to a prince (paragraph 54). "For it is in the heart of all men to seek their proper [*proprium*] good,"

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2 Eschmann 1949, xvi

the reasoning seems to go, and "if the prince is not content with glory and honor, he will seek pleasures and riches and so will resort to plundering and injuring his subjects."

Aquinas finds five problems with this conventional opinion (paragraphs 55-59). First, Aquinas repeats the well-known argument that "nothing is more fragile among human things than the glory and honor of men's favor" (paragraph 55).[3] After all, it rests upon the "fickle" opinion of men. Is it rational for a king to expend "so many labors and anxieties… for a reward so perishable"? Thus the prophet Isaiah calls such glory and honor "the flower of the field" (Isaiah 40:6). When argued thus, the quest for glory becomes not merely arduous and perilous, but Sisyphean.

Second, Aquinas argues that the need for glory and honor "takes away greatness of soul," turning men into slaves. If, as previously stated, honor and glory depend upon the good opinion of others, then "he who seeks the favor of men must serve their will in all he says and does" (paragraph 56). Aquinas cites Cicero's *De officiis* in support of the conclusion that "the inordinate desire for glory is to be guarded against; it takes away freedom of soul, for the sake of which great-souled men [*magnanimis viris*] should put forth all their efforts." If being great-souled is to be valued among princes, Aquinas argues, then the prince seeking glory and honor through the good graces of other men is not the way to that greatness of soul.

These first two reasons concern the prince. The third relates to his people. For Aquinas next argues that "it hurts the multitude if such a reward be set up for princes" (paragraph 57). This should animate us: as we noted above, Aquinas has not yet spoken concretely of the king's duties to the multitude. The virtuous man, Aquinas argues, has no concern for glory. Yet if glory is the reward for princes, then good men will not become princes on account of that glory. Kingship will rather attract the wrong sort of

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3 Eschmann renders *fragilius* as "perishable."

man, i.e. the kind who seeks glory as his final end. But then not only will the city come to ruin through vicious kings, but they will lose the advantages of the rule of a virtuous man.

Continuing in the next paragraph, Aquinas fourth argues that "dangerous evils [to the multitude] come from the desire for glory" (paragraph 58). A prince's desire for glory often leads to the ruin of his country, first because such a prince risks destroying himself and his army through warfare, even should they win, and second, when they finally do lose, through the country's eventual subjection to those foreign combatants. This adds flesh to our concern at I.1 that the provincia would turn out to be a defective regime if its orientation toward military affairs – however originating – led not only to a diminished concern for virtue, but even to the extinction of the community itself.

"Moreover," Aquinas fifth and finally continues, another effect of glory-seeking is to be feared: hypocrisy. Virtue is difficult; simulation of virtue, easy. Sallust and Christ are both brought in to testify to this. "Ambition drives many mortals to become false," Sallust says. "They keep one thing shut up in their heart, another ready on the tongue, and they have more countenace than character." Christ says: hypocrites "do good work that they may be seen by men," not because they are good men. Even the man who does apparently good deeds can be vicious, in other words. This paragraph ends:

> Therefore, just as there is danger for the multitude, if the prince seek pleasures and riches as his reward, that he becomes a plunderer and abusive, so there is danger, if glory be assigned to him as reward, that he becomes presumptuous and a hypocrite (paragraph 59).

Aquinas has not mentioned material goods as a reward other than in what he reports of Cicero and Aristotle. But the analogy is obvious: just as the honor-seeking prince will defraud his subjects by imitating the appearance of a man who deserves glory, so the pleasure-loving man will place those goods that give him pleasure above the common

good. Both work to be hypocrites. This teaching recalls Aquinas' discussion at I.4 of the tyrant who masquerades as a king. But can such a fraud hide that he is "a plunderer and abusive," or that he is "presumptuous and a hypocrite"? Perhaps, as in the case of the Romans, such attributes become known to the people only after they become powerless to depose him. We might also think that, as in the case of the Romans, the kind of people who set up and maintain such a monarch are also the kind of people who will themselves become increasingly hypocritical as they participate in the same game for riches and honor. This would explain why Aquinas urged the reform of the people as a resolution to the problem of tyranny (I.6).

Aristotle and Cicero seem to endorse honor and glory, Aquinas argues, not "because they judged that the king's intention should be principally directed to that object, but because it is more tolerable for him to seek glory than to desire money or pursue pleasure" (paragraph 60). The desire for glory depends upon the opinion of other men. To the extent that these other men are good, then, the man seeking their favorable opinion will play at being good from his outsider's perspective. He will not know why what he does is good, and he will lack genuine prudence, but he at least follows the lead of those who do. Thus the hypocrisy that Aquinas earlier castigated has a silver lining. Considering that "few men reach true virtue," such hypocrisy might even be necessary in many regimes. Perhaps the hypocrite will be taught toward justice in this way? But how long will the hypocrite be restrained to good works by the accidental presence of good men in his regime? As Aquinas goes on to argue, if "the one who desires to domineer lacks the desire for glory," then nothing will restrain him in his pursuit of power and "he will surpass the beasts in the vices of cruelty and lust" (paragraph 60). Aquinas puts forth

Nero as an example of such a man, reminding us again of the degeneration of the Roman love for glory and honor.[4] Aquinas then summarizes the conclusions of this chapter:

> Indeed all this is quite clearly contained in what Aristotle says in his Ethics [1124a 16] regarding the magnanimous man: True, he does seek honor and glory, but not as something great which could be a sufficient reward of virtue. And beyond this he demands nothing more of men, for among all earthly goods the chief good, it seems, is this, that men bear testimony to the virtue of a man (paragraph 60).

Aquinas mentioned this magnanimous or great-souled man in passing earlier. What or who is he? From this passage, we know him as someone who deserves and seeks honor, yet not as "a sufficient reward" for his virtue. And if honor and glory from virtuous men are the chief earthly goods, then he certainly does not act in the interest of lower goods like money or pleasure. When we turn to Aristotle's treatment of magnanimity (Greek: μεγαλοψύχια, Lat: *magnanimitas*) in the *Nicomachean Ethics*, we see that it is no ordinary virtue, but an embellishment or crown (κόσμος) upon the others.[5] For the magnanimous man to be magnanimous, he must already be thoroughly virtuous.

What is interesting for our purposes is the magnanimous man's relative independence from other humans. He has little truck for the opinion of vicious or petty men: he and not they knows what virtue is. The magnanimous man rather seeks the good opinion of those he knows to have worthy opinions. Yet because the magnanimous man knows what virtue is independently of such men, then he is in no sense their slave, as though seeking merely to please them regardless of what true virtue is. He knows he

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4 *City of God* V.12-21, Augustine's account of how the Roman love for liberty declined into a love of dominating others. Viewed in light of his famous revision of Cicero's definition of the republic (XIX.21 and XIX.24), Augustine means through V.12-21 to show Rome as the City of Man par excellence whose partial virtues descend into the worst vices as the love that binds Rome comes to embrace baser and baser objects.

5 *NE* 1123a34-1125a35

deserves honor from them, but as something due to him by his nature rather than as a gift in their favor to be withheld arbitrarily.[6]

This magnanimous man seems to be something like the *liber* at paragraph 56. He is free from the opinions of other men, and free from an inordinate striving after glory or goods below it. Aquinas thus cites Cicero's phrase "liberty of soul" (*animi libertatem*). Aquinas' stress in this section seems to be that glory and honor are beneath the magnanimous man. The magnanimous man surely deserves them, and in some sense really wants them, but does not want them at the pleasure of others.

In this sense, the magnanimous man also seems to be the *liber* from Chapter 1. There we learned that the free man is *sui causa*: he acts toward his own end, not as an instrument of another (paragraph 10). Here Aquinas gives flesh to that terse abstraction: the *liber* is not under the power of the opinion of other men, but is guided by virtue. And guided by virtue, he might see glory and honor as the highest things to be had on earth, but they will not satisfy him. In some sense, liberty is the fruit of magnanimity: the cultivation and ordering of the virtues such that one sees in full why one ought to be virtuous in the first place.[7]

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6 Consider Robert Faulkner's summary of the magnanimous man: "Aristotle's diagnosis comes to this: the great-souled man is at once drawn above and drawn to humanity. He exhibits his superiority by aiding his fellows, and yet his wish is less to aid them than to avoid being or appearing dependent on them. He would in his virtue by independent of them, and yet he depends upon them for distinguishing himself" (Faulkner 2007, 44).

7 Debate has arisen as to whether Aristotle's notion of magnanimity stands in tension with or even contradicts other aspects of Aquinas' own thought, e.g., Arnhart 1983, Manent 1998, Holloway 1999, Keys 2006, Corbett 2012. As Aquinas himself suggests: "Further, no virtue is opposed to another virtue. But humility is apparently opposed to the virtue of magnanimity, which aims at great things, whereas humility shuns them. Therefore it would seem that humility is not a virtue." (*ST* II-II 161.1 obj 3) Let us note for now that Aquinas seems in *De Regno* to invoke magnanimity for a narrow purpose: to suggest what a virtuous person will not seek after. And perhaps Aristotle himself had reservations about the great-souled man as the pinnacle of virtue (Keys 2006, 144-7; Collins 2004; Howland 2002; Smith 2001).

It is also curious that throughout this chapter the life of pleasure is discussed so briefly, and then only as inferior to the life of honor. Why could this be? Perhaps Aquinas means to present the magnanimous man as an attractive alternative to our princely audience's possibly pleasure-seeking ways. Aquinas appeals to the king's desire for honor and glory, which desire can often lead men to repress their desires of pleasure. Aquinas then presents the magnanimous man who is above even honor and glory, which could, as we suggested above, flatter the king's sense of autarky.[8] Thus the magnanimous man looks most attractive to the king. And since the magnanimous man is surely above sensible pleasures, then so will be our king.

Whatever its final significance, the emphasis on magnanimity in Chapter 7 seems to flatter the king's sense of self-sufficiency and power. His is a splendid task, the chapter assures him in its opening, and earthly things of the kind petty men seek after are beneath him. Beneath this rhetoric, however, is the suggestion that the king can and indeed should attain to great virtue to become this magnanimous man. This would not only be reassuring to the king, who would fear after reading I.3-6 that kings never avoid tyranny, but also because we can hope that Aquinas will show the king, and us, just how the king is to become magnanimous. For surely then we would have a firmer grasp of the duties of kingship and the nature of the common good it serves. And in so articulating the connections between the end of the *liber* and that of the community, we can hope that Aquinas might clarify why the magnanimous man, so noble and above the common run, would actually want to participate in the fullness of political life for the benefit of others.

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8 Cf. Howland 2002, 46-9, and 53, fn 44. Susan McWilliams (2012) considers something like the magnanimity of Captain Ahab in Melville's *Moby Dick*. Insofar as Ahab claims an exaggerated autonomy from nature and other men, McWilliams argues, he is actually typical of Americans rather than some strange aberration, and I would add, typical of anyone obsessed with his *bonum privatum*.

It is clear that he must engage in public life if he is to do great and noble things for others, but what this man "to whom nothing is great" should gain from those actions is less obvious.[9]

Thus Chapter 7 seems to have more answers than earlier chapters have had. The magnanimous man has given us something of a picture of the *liber*: in pursuing his own end he is not drawn to earthly things, including the caprice of other men, but rather to the reward of virtue. The *servus* precisely as a slave to other men values their fickle opinions, not virtue. After the dire description of politics in I.3-6, our king has received some encouragement of reward and in being a magnanimous man above earthly things.

But why does Aquinas introduce the problem of the reward of the king in the first place? For one thing, it answers an objection to Chapters 3-6, the objection of Glaucon: whatever the injustice of tyranny, the tyrant meets with considerable rewards in this life.[10] In fact, Aquinas argues herein, even if the tyrant gained all of the earthly good that he pants after, he would still be unhappy. And thus all the more would the virtuous or magnanimous prince be unhappy merely with such rewards. This at the end of I.7 should be clear also to our princely audience.

For another thing, the reward of the king seems to relate to what we remained in ignorance about through I.6. Citizens wish to avoid a tyrant and so abandon monarchy. But with what then is it that they should replace the tyrant? What is the goal of politics? For if any regime can eventually slide into tyranny, then every regime must guard itself against it. In considering the just reward of the king, Aquinas considers what royal

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9 Keys 2006 points to the strange inhumanity of this virtuous man (144-47), noting that Aristotle describes the magnanimous man as "he to whom nothing is great" three times in the *Nicomachean Ethics* (1123b32-3, 1125a3-4 and 15-16).

10 Glaucon first raises this objection to the goodness of justice at the beginning of Book II of the *Republic*, and explicitly as a common popular opinion (357a-362c).

reward would be good for the people, what kind of reward would attract the kind of ruler whose governance would benefit the common good (paragraphs 57-9). We can hope that he continues that analysis.

At points in *De Regno* we have encountered arguments that might be interesting or even engrossing to us today, but hardly of any real significance beyond the antiquarian. Perhaps this argument on the insufficiency of earthly goods is one of them.

Does man have an earthly end? Does he have an end at all? Maybe he seems to have an end but it is not one we can see. If man did have an end, what would be the political significance of that end? Note that Aquinas is asking in the first place not whether a political community has the authority to designate some good or goal as the end of politics and orient politics around achieving that end. Rather, he is asking whether man has an end. And what he wants to show in Chapter 7 is that this end cannot be merely material. Is this something that means anything to us today?

I think so. Most rights-based and axiological theories of politics seem to presume that something in man is somehow greater than matter. The individual cannot be sacrificed for expedience or temporary advantage because the individual person counts as higher than the material benefits that would accrue through such outcomes. In fact, there is a sense in which individual human beings are incommensurable: while self-sacrifice is noble, we generally do not kill some merely for the sake of others. Persons have control to make their own decisions. This current of thought arises from Locke's notion of the person and Kant's autonomy.[11] To be clear: I am not suggesting that any particular justification in modern philosophy for the superiority of man to other things comports with that of Aquinas, nor that such theories, whether in the guise of "natural right," "autonomy," "respect" or what have you, account sufficiently and to an equal degree for

11 Schneewind 1998

such a notion. What I do want to emphasize, however, is that such theories all attempt to describe or account for a concrete phenomenon, the pervasive conventional judgment that man is superior to matter or is at least greater than anything that he sees. Even those theories that claim to see nothing special in man, especially materialisms arising from the natural sciences, often imagine that man has a special awareness of his condition, and that in his subjection to this immanent nature, it is a source of power for him to accept and even embrace that condition. Is this not the rhetorical strategy of Hobbes in *Leviathan*?[12]

Just as critically, the sorts of arguments that Aquinas makes in Chapter VII can be found in variety of philosophical sources dating back to ancient times. Besides the discussions in the works of Plato,[13] Aristotle[14] and Cicero,[15] there are hundreds of attestations to the idea from every culture in every time period.[16] Their arguments are proof that this sense of the inadequacy of the earthly to man is not something dreamed up by Christian theologians.

Yet one might object to Aquinas' argument not because of what he argues, but out of a fear as to how he intends to use the conclusions. After all, he is a Christian theologian. We expect that the point of him elaborating this category of "earthly" goods will be to oppose it to some "spiritual" or "supernatural" category. On the one hand, this is not strictly speaking an argument against Aquinas' criticisms, but an appeal to consequence. The magnanimous man, after all, alerts us to a question that we would like

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12 Ahrensdorf 2000; cf. Gillespie 2008, 207-10.

13 See especially the *Phaedo* (including the four arguments for the immortality of the soul, 61c-107a) and *Symposium*. Socrates' death is itself a great argument of this fact.

14 *NE* I and X, especially the claim at 1177B that what is best and most divine about man is more than human.

15 Cicero's *De finibus malorum et bonorum* takes the question for its very title.

16 C.S. Lewis famously compiled a cornucopia of such sentiments as an appendix to his *The Abolition of Man*, although not all are relevant to our current question.

to answer: if man has some special dignity, what is its source? To what sort of life ought it to lead him? How does it bear upon his relations with other men? On the other hand, the reader is right to wonder how far along he will be able to go with Aquinas after this chapter. Let us now turn to Chapter 8 to find out.

CHAPTER VIII

With "worldly honor and the glory of men not sufficing as reward for royal cares [*sollicitudini*]," what reward is sufficient to the king (paragraph 61)? The next paragraph states it up front:

> It is proper that a king look to God for his reward, for a servant looks to his master for the reward of his service. The king is indeed the minister of God [*minister Dei*] in governing the people, as the Apostle says: "All power is from the Lord God" [Rom 13:1] and God's minister is "an avenger to execute wrath upon him who does evil" [Rom 13:4]. And in the Book of Wisdom [6:5], kings are described as being ministers of God. Consequently, kings ought to look to God for the reward of their ruling (paragraph 62).

This is a breathtaking statement. After numerous chapters detailing the evils and uncertainty of political life, a key dynamic of which was the futile endeavor to save kingship from tyranny, we were told in Chapter 7 that the king works tirelessly for his people, and as a selfless ruler deserves a great reward. We are now told that the king is not just any public-spirited person, but a minister of God. Thus the *servus meus* that Aquinas invoked at I.1 was no metaphor. And the king's reward will thus come from God Himself. But what is the reward? Aquinas does not spell it out. He rather writes that the king "look to God" or "await from God"[*expectet a Deo*] his reward. Perhaps we should have been prepared for this conclusion from the repetition of the inadequacy of honor and glory, which goods Aquinas restates as "worldly [*mundanus*] honor and the glory of

men." Could he mean that the king hopes for heavenly honor and the glory of God? Aquinas continues:

> Now God sometimes rewards kings for their service by temporal goods, but such rewards are common to both the good and the wicked… Therefore, if God recompenses wicked kings who fight against the enemies of God, though not with the intention of serving Him but to execute their own hatred and cupidity, by giving them such great rewards as to yield them victory over their enemies, subject kingdoms to their sway and grant them spoils to rifle, what will He do for kings who rule the people of God and assail [God's] enemies with pious intention [*pia intentione*]?

God rewards kings good and bad with temporal goods. Why would God reward a bad king? Aquinas states explicitly that such bad kings act not to serve God, but out of "their own hatred and cupidity." As for the tyrant's "victory over their enemies," they are also God's enemies, and that is why God rewards tyrants with the temporal goods that allow them to defeat those foes. But then these evil kings are slaves, caused in their actions by others. And not just by any other, but by God. This is an entirely new gloss on the distinction between *servus* and *liber* first raised in Chapter 1. The tyrant is the slave not only of his passions and intemperate desires (paragraph 26), but also of God. This recalls Aquinas' earlier suggestion that the magnanimous man is free from inordinate attachments to goods beneath him. The king, then, is presumably free in embracing God's will. We might wonder whether in some sense any *liber*, king or subject, is free in obeying God. But then in the *liber* would coincide the *causa sui* and the *minister Dei*. How can liberty consist in both acting for one's own sake and service to God?

This discussion draws out an ambiguity at the beginning of paragraph 62. Citing St. Paul's famous chapter from his Letter to the Romans, Aquinas argues that all power is from God (Rom 13:1). Therefore the king is a minister to God and should be obeyed, not resisted (13:2). Indeed, kings enforce God's justice as an "avenger" for God's

"wrath"(Rom 13:4). Paul's teaching would seem to present no problem for subjects of just kings. But what of subjects of tyrants, those monarchs who in not serving their subjects seem also not to serve God? Must their subjects serve them? And, if they do, how do they avoid becoming slaves? Is the subject of a *servus* thereby not also a *servus*? Perhaps the answer to such questions must begin with I.6. If the citizen is not drawn immediately to violence against the tyrant, but contemplates the end of his community and what would be serve it, then his eventual course of action would not be one of animal-like reaction against the tyrant, but the fruit of his own intellect. Thus he would in that sense not be a *servus* to the tyrant.

Yet God does not always reward the tyrant, as Aquinas' two quotations concerning Nebuchadnezzar indirectly make clear. In the first, God tells Ezekiel that He has given Nebuchadnezzar no reward for unknowingly doing God's bidding in besieging Tyre (Ezekiel 29:18). It is in fact this citation that Aquinas offers as evidence that God rewards the tyrant.[17] But when Nebuchadnezzar is finally rewarded, it is emphatically to fortify him in God's mission (Ezekiel 29:19). So if God often enough does "reward" tyrants for their service to Him, then how does God reward those kings of pious intention? Aquinas answers this question in closing this long paragraph:

> He promises them not an earthly reward indeed but an everlasting one and in none other than in Himself. As Peter says to the shepherds of the people of God (1 Pet 5:2,4): "Feed the flock of God that is among you and when the prince of pastors [*princeps pastorum*] shall appear, i.e. the King of kings, Christ, you shall receive a never-fading crown of glory," concerning which Isaiah says (28:5): "The Lord shall be a crown of glory and a garland of joy to His people."

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17 It this verse that immediately follows "Now God sometimes rewards kings for their service by temporal goods, but such rewards are common to both the good and the wicked…" (paragraph 62) quoted above.

This quotation answers many questions. The reward of the just king is not more or better temporal goods than those given to the tyrant, or it is not just that. Further, the king does not just look to God for a reward, as though that reward could be something other than God. Rather, the just king's reward is in God, "in Himself" [*in se ipso*]. Note that Peter refers to Christ as *princeps pastorum*. Aquinas embellishes this with *id est rex regum, Christus*, emphasizing that Christ is King of kings, including of the Cypriot, in the same way that Peter calls Christ the Shepherd of shepherds, i.e., over the Church leaders to whom Peter speaks.

As for the reward to be found in Him, perhaps "the unfading crown of glory" has something to do with life with or in Christ, that is to say, beatitude. But in a certain way this is a strange reward for a king: is beatitude not the reward of all Christians? Aquinas himself indicates an awareness of this problem or question. First, the quotation from Peter's Letter is meant to apply to a wider audience than kings. That Aquinas saw this is obvious just from Aquinas' decision to insert the clarification *rex regum* into the verse, which states God's relation to the royal reader of *De Regno*. Second, Aquinas proceeds to quote Isaiah, in which a similar promise is made not just to kings, but to God's people more generally. But because the prophecy concerns in the first place the harried and divided Hebrews of Isaiah's time, the verses appears as a kind of promise or succor to a beleaguered people. In fact, the complete verse refers not to "His people" but to the "remnant of His people" [*residuo populi sui*]. The quotation thus suggests that the "crown of glory" goes not only to Christians in general, but even to those who were governed badly by inept or tyrannical rulers. It might give our king pause, for it suggests that his people could well receive a reward finally denied to him should he fail.

Chapter 8 thus far has completed the philosophical argument of Chapter 7 with revelation: that which completes man is had from God. In what follows, Aquinas returns

to moral philosophy to sketch out how the God of revelation fulfills the promises of the happiness posited or sought out by ethics.

The first argument sets up the other two. "The reward of virtue is happiness," Aquinas argues, and "this is placed in the minds [*mentibus… inditum*] of all who use reason" (paragraph 63). And what is virtue?[18]

> The virtue of anything whatsoever is explained to be that which makes its possessor good and renders his deed good. Moreover, everyone strives by working well to attain that which is most deeply implanted in desire, namely, to be happy [*esse felicem*]. This, no one is able not to wish. It is therefore fitting to expect as a reward for virtue that which makes man happy [*beatum*]. Now, if to work well is a virtuous deed, and the king's work is to rule his people well, then that which makes him happy will be the king's reward [*praemium*] (paragraph 63).[19]

Here we are again entering unfamiliar territory for *De Regno*. Aquinas seems to be defining and relating virtue and happiness as the means and end of all human activity. In defining happiness as the end of virtue, Aquinas also seems to be going beyond his discussion of the magnanimous man, whose ends in action are ambiguous. We noted in I.7 that Aquinas seemed to present the magnanimous man as attractive because of his freedom from earthly goods, without saying exactly what kind of goods the magnanimous man was thereby free to embrace.

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18 Cf *NE* 1106a15

19 *Felix* is Latin for happy, *beatus* for blessed. *Felicitas* and *beatitudo* are the substantives. There is an ambiguity in these words similar to that for the Greek *eudaimonia* and *makaria,* but beatitude seems to mean the perfect happiness that circumstances on earth often deny man. Aquinas argues in other places that *beatitudo perfecta* can only be had in the afterlife. It is noteworthy that Aquinas never distinguishes the terms in *De Regno*, and perhaps our king would have simply understood by *felicitas* a general happiness, and *beatitudo* its superlative. Cf. Celano 1987.

But this all raises a larger question: what is happiness? Aquinas goes on to define it: "Happiness, we say, is the ultimate end of desires [*ultimum desideriorum finem*]." Here ultimate means final and universal. It is final in the sense that it is desired for its own sake, not for some further good, or that for which it is desired for would be real happiness.[20] It is universal in the sense that only what is universal satisfies the intellect (paragraph 63). Thus happiness is "the perfect good" in the strongest sense of the word "perfect": per-facere, or completely or fully made or done.

What qualifies? We might recall from Chapter 7 that no earthly good could be such a thing. And Aquinas says here: "But no earthly good is such a good.

> They who have riches desire to have more, they who enjoy pleasure desire to enjoy more, and the like is clear for the rest: and if they do not seek more, they at least desire that those they have should abide or that others should follow in their stead. For nothing permanent is found in earthly things. Consequently there is nothing earthly that can calm [*quietare*] desire. Thus, nothing earthly can make man happy, so that it may be a fitting reward for a king (paragraph 63).

Aquinas is thus showing how his earlier comments in Chapter 7 fit within a fuller moral philosophy. Those who think that transient goods can give man happiness become trapped in pleonexia. And we now see Aquinas' sleight of hand: the reward of the king [*praemium regis*] becomes the end of man [*finis hominis*], much as we suspected in connection with Aquinas' quotation of Isaiah 28. In moving from the more conventional analysis of Chapter 7 to this moral philosophy of Chapter 8, we move from the magnanimous man to man as such. Certainly we are retaining what was good about the magnanimous man: his virtue and his sense of its lofty worth. In fact Aquinas' discussion of the magnanimous man gave us a sense for what Aquinas has in mind by this distinction between the *liber* and *servus*. But since our very first questions in reading *De*

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20 Compare Aristotle's famous discussion at *NE* 1097b20-1098a-19.

Regno concerned the relation between the end of the *liber* and the common good (paragraph 10), as well as the rationality of the king who was supposed to rule as reason rules the soul (paragraphs 8-9), we can bring these two questions together to ask how the end of the king in ruling bears upon the common end of the community and upon the end of each citizen with that community.

Aquinas' second argument from reason runs as follows: what perfects something is higher than it, just as gold added to silver perfects the silver. Happiness, Aquinas argues, is just this sort of thing: it perfects man because it is his ultimate or final good. Turning to the human mind, however, we see that all things on earth are beneath it. This we learned in Chapter 7, although Aquinas spoke there only of "man." As for man's mind, Aquinas singles out what is highest in man: his rational soul.[21] It is, after all, matter that we see around us on earth. It is man's soul that stands above it. So man's fullest happiness will be that which completes his soul. This cannot be had among earthly things. Thus Aquinas cites Augustine's discussion of happy Christian princes: they are happy in hope, not in fact.[22] We can call them happy insofar as they act with justice and in the hope of eternal happiness. "But neither is there any other created thing," Aquinas argues, "which would make a man happy and which could be set up as the reward for a king." Happiness consists in finding one's perfection, which can be thought of as one's "end," but also in a sense as one's cause or source, that which determines what one ought to become. And the source [*principium*] of created things is found not in other created things, but whatever stands before creation, the creator. For Christianity, of course, this is God, who made man and gave him a certain likeness of God's own image.[23]

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21 Cf. *NE* 1177b25-1178a8

22 Augustine, *City of God* 5.24

23 It is questionable whether any notion of creation *ex nihilo* as radical as the Judeo-Christian one existed before Genesis. See Gilson 1936, 64-83.

Aquinas' third argument from reason is brief. "[T]he human mind knows the universal good through the intellect," he writes, "and desires it through the will: but the universal good is not found except in God." What is notable for our purposes is that Aquinas affirms what we might have noticed before: the integral connection between the intellect's faculty of knowing and the will's faculty of desiring in the moral act of deliberation. The tyrant follows *libido*, Aquinas suggested at I.3. The king must conform his will to reason. As if to confirm this, he cites King David from Psalms: "What have I in heaven? And besides Thee what do I desire upon earth? It is good for me to adhere to my God and to put my hope in the Lord God" (Ps 73:25, 28)[24] David invokes both his knowledge of and desire for the good.

Aquinas then closes the chapter. Just as those who do not seek earthly glory and honor are those that receive it, so those who rather seek heavenly glory and honor receive both. He again invokes the example of Solomon, who sought to be godly and was honored by other good men on earth for it. Solomon sought to be a "citizen with the saints and a kinsman of God," which language would well strike a chord with the king, who would be reminded of a lower kind of citizen to which he must attend, one who is actually controlled by the king, and kinsmen of the worst kind: fierce competitors in dynastic struggle.

We can draw many points from these three arguments from reason, but I will focus on three. First, Aquinas has herein laid down the beginnings of a potent ethics. We saw him in paragraph 63 lay out a definition of happiness and virtue that depends upon the greatest good of man's highest faculties. It is an ethics, moreover, that Aquinas has expanded beyond the king to discuss man as such. We have been waiting for this. Since I.2, we have wondered about the relation between the good of the individual and the

24 Eschmann cites this as Psalms 72 (Eschmann 1949, 38 (fn 14)).

common good. This is a difficult project rhetorically: Aquinas has moved slowly but deliberately from the prooemium, in which the king was a great and noble addressee, to the end of Chapter 8, in which the king can hope to be not a king at all, but a citizen of a kingdom far above his. That kingdom of course is God's, the *Rex regum* pointed out in the prooemium itself.

Second, this moral philosophy centers on happiness. Perhaps this need not be controversial. Yet when one considers the range of Thomistic ethics, whether philosophical or theological, it is curious that one would rarely get the sense that Aquinas deems happiness to be central to ethics, or that he would make it so for our king.[25] Of course Aquinas has yet to say a great deal about how this happiness or eudaimonia will transform our understanding of political life as adumbrated at I.3-6. Most notably, how does this image of the king as a *minister Dei* complete the king-God analogy in I.2? What end does the king seek, for himself and for his people, as God's minister?

Third, while Aquinas has laid out philosophical arguments in I.7 and I.8 for the kind of end that man must seek, that end can only be identified by revelation. Thus in paragraph 64, Aquinas stipulates that man's good is neither material nor created, the latter a point that arguably would not be clear without revelation. Similarly, in paragraph 65 Aquinas invokes Psalms to remind us that the good sought by the will and intellect is none other than the Christian God. Such examples seem to suggest that for Aquinas a purely philosophical ethics would be impossible: it would not know the great fact of man's end.[26]

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25 Pinckaers 1995, 8-13, 17-24426-31

26 As Maritain puts it: "For this [natural ethics] lacks two things: the knowledge of the true ultimate end to which man is actually ordained, and the knowledge of the integral conditions of man's actual existence" (Maritain 1955, 63).

Revelation can play another role in ethics. We considered earlier an obstacle for our king, namely the notion that actions have ends and a human life in a sense has an end, too. For in daily life we encounter a morass of false starts, confused intentions and failed attempts, and this is especially true in politics. It can seem wrong, then, or at least misleading, to speak of human actions in terms of purposes or ends. One can argue from reason alone that man has an end, as Aquinas does at I.7 and the latter parts of I.8, and as was often done by ancient philosophers. That so much of *De Regno* is dedicated to making the king amenable to that teaching suggests that this is a difficult and ambiguous teaching. Yet the Bible tells man just this thing, that man has an end and that it is God. Thus revelation proposes a teaching that both lays out a teaching that could be had from philosophy (on man's end) and gives it a concrete completion (that end is God).[27] Yet revelation would then have a second-order teaching, one according to which things that can and should be known by all men through reason may in fact be most obscure to them.

CHAPTER IX

In Chapter 9, Aquinas sets out to prove that "they who discharge the kingly office worthily and laudably will obtain an elevated and outstanding degree of heavenly happiness." So he must answer two questions. What is an "outstanding degree of heavenly happiness"?[28] And why is kingly office worthy of it?

Aquinas begins from the formulation: "For if happiness is the reward of virtue, it follows that a higher degree of happiness is due to greater virtue" (paragraph 68). This seems relatively uncontroversial. But why does a king deserve it? For Aquinas, this has something to do with the king ruling not only himself, but others.

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27 This follows *ST* I q. 1. a. 1.

28 *ST* I-II.95.2

First, Aquinas argues that those who rule others manifest more virtue than those over whom they rule, comparing the ruler and subject to a teacher and student (paragraph 69). In framing good laws and exhorting them to virtue, the king is leading his subjects to become good themselves. Yet the virtue of a king stands above that of any teacher, for he leads an entire multitude. Aquinas quotes Aristotle: "But the good of the multitude is greater and more divine [*divinius*] than the good of one man."[29] Numerous commentaries have considered the meaning of this line, and we will not settle the controversies attending them here. But Aquinas at least seems to want to impress upon the king that the good of the multitude is of a different order from that of the individual. For sometimes some must suffer to preserve the common good, Aquinas notes, as with a thief put to death to keep the peace. Similarly, Aquinas argues, "God Himself would not allow evils to be in the world but that through them He draws out good for the advantage [*utilitatem*] and beauty [*pulchritudinem*] of the universe." Something about the order and perfection of the whole seems to transcend that of any of its parts. Yet we might wonder if the *liber* of I.1 could really be a *sui causa* if he could be sacrificed for the good of the whole, much as we suggested in I.7 that humans beings are above material things and themselves have a dignity vis-à-vis one another.

In any event, Aquinas chiefly wants to press the point that the king is worthy of a great reward. As a private person "is praised by men" for a public spirit through which he helps other and strengthens his community, so the king is praised all the more for devoting his life to such acts of justice. And he does not simply perform individual such deeds, but through his good rule makes those very acts possible (paragraph 71).

Second, Aquinas argues: "The greatness of kingly virtue also appears in this, that he bears a special likeness to God [*quod praecipue Dei similitudinem gerit*], since he

29 *NE* 1094b7

does in his kingdom what God does in the world…" The more similar that something is to God, Aquinas writes, "the more acceptable it is to Him." If kings are most like God in this respect, then kings are the most acceptable or "the most pleasing to God and are to be most highly rewarded by Him" (paragraph 72).

Aquinas gives two examples of kings being acclaimed god-like by their regime: the Hebrews judges in Exodus and the Roman emperors. The Hebrews were originally ruled by judges, because God alone was to be their king (1 Sam 8). As for the Roman example, on the one hand it perhaps simply reflects man's natural apprehension of the quasi-divine nature of kings. On the other hand, however, the Romans did not call their emperors *divus* in mere metaphor: many emperors were treated exactly as gods, both in the respect they were accorded and in the scope of things they were allowed to do. Aquinas' quotation from Ephesians helps us to make sense of this difficulty: "Be you therefore imitators of God as most dear children" (Ephesians 5:1). Imitation has this ambiguity, namely that one aspires to be like another while still being other than that person. This particularly holds when one seeks to imitate the ground of being itself, like God.

This argument recalls at least two others in *De Regno*. There is first the argument for the excellence of monarchy from unity: art should imitate nature, and nature is always rule by one, including God's rule of the cosmos (paragraph 19). In retrospect this seems to be a strange argument, and a fortiori this present one seems strange as well, because of Aquinas' attempt to teach the king that he is beneath the King of kings. Perhaps I exaggerate. But it is only in Chapter 7 that the king's relation to God comes to be seen in a positive light, and that as *minister Dei*, or minister or servant of God (paragraph 62). As heirs of the 17th-century, we immediately worry that such god-king comparisons can only

be put to cynical use.[30] It would seem, however, that Aquinas shares our concerns. The king must not only be encouraged to think of himself as the winner of great rewards, but as a servant of God who bears great virtue and performs great deeds for his people to deserve those rewards.

As if to reinforce that this kingly duty will not be easy and will not come with sure material gains, Aquinas moves on to a startling argument. Kings are like sailors on ships battered by "stormy waves": in such conditions even experienced sailors can be "bewildered."[31] Kings are always at the center of tumults that test their virtue. Compounding these difficulties are the constant temptations posed by earthly riches and the flattery of men. These goods we have rejected as final ends in Chapter 7. Yet Aquinas sees the need to re-iterate the danger they represent here. On the one hand, "Authority shows the man," as Aquinas cites Bias (probably via Aristotle) to say. One sees much of a man's true character when he is given the opportunity and power to exercise it. Yet it is also true that the vagaries of politics can lead to the misfortune of anyone.

> The very difficulty, then, of acting well, which besets kings, makes them more worthy of greater reward; and if through weakness they sometimes do amiss, they are rendered more excusable before men and more easily obtain forgiveness from God provided, as Augustine says, they do not neglect to offer up to their true God the sacrifice of humility, mercy and prayer for their sins (paragraph 73).

The king who struggles for virtue will be forgiven for those times when he falls short of perfect virtue, and will even be rewarded for his efforts. Thus he should not fear the struggles against tyranny that he has been promised (I.3-6). He should not fear, in other words, that in undertaking this task he should subject his soul to great dangers. And our Cypriot audience should not fear that, already become a king, he could not face this

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30 Nelson 2010

31 This metaphor he takes from Saint Gregory the Great, *Regula Pastoralis* I, 9.

task that Aquinas presents him, but should rather lose himself in material goods or honor and glory in an effort to forget that he is called to something higher. Rather, he should see God's grace as giving him the strength to face the law. Note that Aquinas refers to kings as "sailors," not as "pilots." The term "governor" in its Latin root, *gubernator*, comes from the Greek κυβερνήτης for pilot, and of course metaphors about the ship of state and the prince as pilot are as old as politics. Aquinas could mean to undercut the navigational competence of the king as pilot, and thus metaphorically to remind the king that his control of his community is weak.

The image of the king as a sailor in a ship on a storm-tossed sea might remind us of the image of tyranny at I.3. Tyranny arises from multiple and contradictory causes, such that "Nobody will be able firmly to state: This thing is such and such, when it depends upon the will of another, not to say upon his caprice [*libido*]" (paragraph 26). Friendship, marriage and even the most basic economic relations are imperiled by the random and arbitrary violence of the tyrant. The tyrant "kills not for justice's sake but by his power, for the lust of his will [*pro libidine voluntatis*]." Thus a similar chaos characterizes the tyrant's regime. But the tyrant introduces those disordered passions in a way that the "waves" of the ocean are not introduced by the king. The tyrant also introduces this order by the very disorder of his soul, so he has little hope of gaining mastery over it. And if the king comes to ruin from these waves, at least he maintained order in his own soul as those of his familiars as best he could. In a way the king-pilot is a sailor just like anyone else on the "boat", perhaps comparable to the citizens at I.6 tossed about by the stormy chaos of tyranny.

Aquinas ends the chapter by again comparing our king to King David, to whom was promised by the prophet Zachariah a perfect share of beatitude in the afterlife. David won his reward, the quotation reminds us, by carrying out the work of God among

David's people. Again, Aquinas seems to be balancing exhortations to the king to be a virtuous leader with encouragement not to lose heart. Aquinas then writes: "This was also in some measure realized [*somniatum*] among the Gentiles, for they thought to transform into gods the rulers and preservers of their cities."[32]

This final quotation is a gloss on Aquinas' earlier comments (paragraph 72) about the Roman habit of divinizing their emperors. Unlike David, those emperors did not know the true God. Unlike David, then, they could not serve the people for that true God. Or at least they could not do so knowlingly or willingly, to recall the case of the tyrants who unwittingly fulfill God's ends (I.3). In a sense, then, Aquinas is calling upon the Cypriot to be an even greater prince than the emperors of Rome.

Chapter 9 has a relatively limited scope. Aquinas has little to say here about the *liber*, the *servus*, the common good, and other questions we continue to urge upon Aquinas. Yet this chapter extends the conclusions of Chapters 7 and 8 in telling ways. If the king is to seek his end in God, and not in material things, we might wonder why he should be a king at all. Is not beatitude the gift of every Christian? But Aquinas assures the king that his reward will be that of a great saint. Like David he will be well-seated at the heavenly banquet. Yet here another question arises: even though the reward be great, is there not yet great risk involved in seeking it? The perils of tyranny laid out at I.3-6 are so pervasive in part because earthly goods are so attractive to men. Moreover, the desire to rule for one's own good, and to the exclusion of others, can lead to a kind of *libido dominandi*. Is Aquinas then setting unrealistic expectations for a saint-like king? Perhaps Aquinas sees this risk. Thus he explains with great patience in this chapter the tremendous reward of the king who serves God as he can, even if maladroitly. Aquinas

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32 Eschmann renders "*somniatum*" as "dimly realized, as in a dream," which if prolix conveys the meaning as well as my translation. Aquinas could be playing on the multiple meanings of *somno*, including "to foresee" or "to dream."

thus reinforces the lessons of Chapter 7 and 8 while subtly reminding the king that he must avoid the tyranny of I.3-6.

CHAPTER X

Chapter 10 opens with a recapitulation of I.7-9:

> Since such a grand reward in heavenly happiness [*caelesti beatitudine*] is set before [*proponatur*] kings if they have acted well in ruling, they ought to keep careful watch over themselves in order not to turn to tyranny. For nothing ought to be more acceptable to them than to be transferred from the royal honour, to which they are raised on earth, into the glory of the heavenly kingdom. Tyrants, on the contrary, who desert justice for a few earthly advantages [*terrena commoda*], are deprived of such a great reward that they could have obtained by ruling justly (paragraph 75).

Having treated on beatitude after a long discussion of the evils of tyranny (I.3-6), Aquinas now brings the reward of good kings to the fore. That reward is incredibly desirable, for kings receive both the heavenly glory they seek and the earthly glory they have voluntarily rejected as an end in itself. The tyrant, however, loses everything: both the earthly goods he seeks and the great reward he could have had by ruling well. While we have heard much of the temporal woes of the tyrant in I.3-6, and the great supernatural reward of the king at I.8-9, this is the first time that Aquinas has connected these lessons to warn the tyrant: the tyrant loses beatitude. The lesson is clear, Aquinas urges:

> How foolish it is to sacrifice the greatest and eternal goods for trifling, temporal goods no one could not know but a fool or an infidel (paragraph 75).[33]

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33 This line echoes Mark 8:36: "For what shall it profit a man, if he gain the whole world and suffer the loss of his soul?"

Why a fool or an infidel? The fool [*stultus*] is one who lacks knowledge; the infidel [*infidelis*] lacks faith. Perhaps the fool is someone who sees the advantages of earthly goods but does not know either the supremacy of heavenly ones or the obstacles that the pursuit of earthly goods can place between one and heavenly goods.[34] The infidel, on the other hand, has no faith in a supernatural happiness: he would see earthly goods as the highest end for which man can strive, or at least not see something beyond them, even if he admitted to their inadequacy.

This condemnation of those who do not grasp Aquinas' point might seem a bit harsh. Perhaps the fool is someone who knows that supernatural goods immeasurably outweigh earthly goods, but thinks that Aquinas has not shown how politics can be conducted in view of heavenly goods. At an extreme, perhaps this person fears that he must abandon politics to protect his soul. Consider how our own royal reader might become so disturbed by the dangers to his soul described in I.3-6 that he shies from this teaching. For it would be not just a teaching for him, but an accusation. Then he might continue to engage in politics, but in willful self-deception as to the demands of his faith upon his political activity. He might cling to the earthly and to vice and sin, perhaps even devising theologies to justify his position.

As for the infidel, we can grant that someone without Christian faith will not see the point in Christian beatitude as the end of politics. Yet he could be someone of goodwill who wants to know how politics can be noble, how politics can take seriously the claims of philosophy to see and cultivate great things in man. He might not then have no desire to "sacrifice the greatest and eternal goods" for politics. But he might, like Socrates' philosopher-king (*Rep* 516a-21c), see little connection between the life of

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34 Cf. Hobbes' fool in *Leviathan* xv. Like Hobbes' fool, lack of knowledge does not seem to be the basis of the cavil of Aquinas' fool.

wisdom and politics.[35] Or he might worry that such a high aim for politics misses the perversities that constantly attend human activity, that Christianity has both high aims and high expectations.[36] He might also wonder how specifically Christian this polity will be, and what kind of room there will be for him in it.

I raise these possible identifications of the fool and the infidel not to urge that Aquinas is wrong to so refer to dissenters to his claims, but only to suggest that we can imagine rather wise fools and pious infidels. In other words, perhaps most tyrants are finally fools or infidels. But we might reject tyranny and yet find ourselves unsure at I.10 what the proper alternative ought to be. Whilst Aquinas has presented a compelling contrast between the reward of the king and the tyrant, we can doubt he has laid out how choosing the heavenly over the earthly reward can lead to moderate and rational politics. Moreover, even were it possible, how can Aquinas persuade us that the average king – not the ideal king – will rise to this challenge? For if he could not, then Aquinas' teaching will be worse than useless. In any event, in speaking of this "fool" and "infidel," it would seem that we have crossed a sort of divide, after which Aquinas' audience is no longer the would-be tyrant, but the man who, being neither an infidel nor a fool, is safe from the temptation of tyranny. We like the king are in a more purified state of ignorance than we were at the prooemium.

We should further be glad to have considered these questions, however, for Aquinas is poised with the next line to take them up:

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35 In this vein, one of Jaffa's great objections to Aquinas' reading of Aristotle is that, according to Jaffa, Aquinas fails to see that politics and ethics are autonomous spheres for Aristotle, not dependent upon any happiness beyond them (Jaffa 1952, 29-34, 121-3).

36 Schall argues that Christianity has a clearer sense of the cause of man's perversities (Schall 2000, 54-7). Strauss argues that modern political philosophy has set for itself low goals but very high expectations of filling "low but solid ground", whereas classical political philosophy had higher aims but lower expectations (Strauss 1955, 247).

> It is to be added further that these temporal advantages for which tyrants abandon justice work to the greater profit of kings when they serve justice (paragraph 76).

Aquinas seems to speak to the fool who thought that the tyrant could benefit from temporal goods, or that infidel who thought that in serving God one might lose the ability to serve men, i.e. no longer be secure in earthly possessions. But how will Aquinas support this claim?

Aquinas begins by arguing that, "among all worldly things [*mundana omnia*] there is nothing that seems worthy to be preferred to friendship" (paragraph 77). Most critically, "Friendship unites [*in unum conciliat*] virtuous men and preserves and promotes virtue." It also promotes pleasure, such that "There is no tyrant so cruel that friendship does not bring him pleasure." Aquinas relates another story of Dionysius of Syracuse (mentioned in paragraph 44), who was so touched by the friendship of two men, one of whom he had decided to kill, that he not only pardoned the man, but also asked to be included in their friendship. There is something pitiable about tyrants, for tyrants deny themselves friendship. "For when they do not seek the common good, but their own good," he argues, "there is little or no communion between them and their subjects."[37] Aquinas makes the simple point that friendship requires something in common between would-be friends, however low. But what can tyrants and their subjects have in common? Nothing. The definition of the tyrant, after all, is he who rules for his private benefit, not for the common good (paragraph 10). We recall that the tyrant treats his subjects like slaves, seeing nothing good in them save what he can take for himself (I.3). The tyrant oppresses his subjects through injustice, and the subjects feel "not loved but despised [*se amari non sentiunt sed contemni].*

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37 The Latin: *Dum enim commune bonum non quaerunt, sed proprium, fit parva vel nulla communio eorum ad subditos*.

> Nor have tyrants any reason to complain of their subjects if they are not loved [*diliguntur*] by them, since they do not act towards them in such a way that they ought to be loved [*diligi*] by them (paragraph 78).

Aquinas has thus far made no connection between tyranny and love, making this a surprising argument. The first Latin verb for love he uses here, *amare*, had become a very simple and earthy word by Aquinas' time, although could have connotations of the romantic or lascivious.[38] *Dilectere*, the other word, is the preferred word for "to love" in the Vulgate, including the Great Commandment (Matt 22:35-40), has a more elevated and even philosophical ring to it. Aquinas thus manages in this short section to appeal to a wide range of human relations. Just as importantly, he denies them all to the tyrant. This is the point of the portrait of Dionysius from above. The only thing stronger in Dionysius' heart then his desire to oppress is his longing to share in friendship. In the other story told of Dionysius, at paragraph 44, a similar desire for friendship seems to motivate him, going out of his way as he does to meet with an old woman who prays for his health. How could a tyrant want to resign himself to such a life? The tales of Dionysius suggest that he does not wish to do so. Yet he does.[39]

Note that Aquinas opened this argument with the statement "the very temporal advantages for which tyrants abandon justice work to the greater profit of kings when they observe justice." Thus far, however, Aquinas has only emphasized the temporal advantages lost to tyrants. What of kings? What do kings receive? He picks up this aspect of the argument immediately. Kings "are loved by many when they show that they loved

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38 Lewis & Short, "*amo*, *amare*"

39 But perhaps a tyrant can be a friend with other tyrants? This possibility would not have struck Aquinas as very practical, given that, as Machiavelli notes, tyrants generally need to be present constantly in the city they would subdue (*Prince* V). Moreover, who would trust a tyrant less than another tyrant?

[*se amare demonstrant*] their subjects and are studiously intent on the common welfare" (paragraph 78). Kings act not only in justice by serving their subjects, but also in love. That is, there is established between them a kind of friendship.

Aquinas speaks again here to the fool: the one who doubts that just politics are possible. It is not hard to see that a tyrant will win little affection from his subjects, because his whole rule aims at their destruction, or at least at their slavery. But does this not point to something about a king? For what is the king's service to the common good but a kind of love that is the ground for friendship between him and his subjects? This is no mysterious dynamic, after all, but the kind of common sense according to which communities grow out of personal friendships, families and neighborhoods.

Indeed, as Aquinas goes on to write, "[t]he consequence of this love is that the government of good kings is stable, because their subjects do not refuse to expose themselves to any danger whatsoever on behalf of such kings" (paragraph 79). For love of their king, subjects will do anything. This is a power political tool, and Aquinas claims it constituted a significant part of the power of Julius Caesar over his soldiers and Augustus over his subjects. "Therefore," Aquinas concludes, "it is no easy task to shake the government of a prince whom the people so unanimously love."

In some sense, then, this teaching is a solution to Aquinas' astonishing suggestion that the Romans were wise to abandon their kings for a republic. "For it frequently happens," Aquinas earlier noted, "that men living under a king strive more sluggishly for the common good, inasmuch as they consider that what they devote to the common good, they do not confer upon themselves but upon another, under whose power they see the common goods to be." Yet in a republic, seeing that the common good is no longer "under the power of one man… each one attends to it [the common good] as if it were his own" (paragraph 31).

Perhaps this discussion of friendship and politics sheds some light on the matter. The trouble with monarchical Rome would seem to be that the kings were no longer thought to serve the common weal through their rule, but only themselves. If kings truly manifest a kind of friendliness toward their subjects, however, and serve them as friends would serve friends, then this difficulty vanishes. Indeed, all can love one king more easily than multiple rulers or a faceless council or bureaucracy. And then they do not begrudge the king great sacrifices, but rather leap to take them on. So it would seem that a king in establishing a friendship between himself and his citizens could avoid this problem and restore the practical advantages of kingship.

One might recall Machiavelli's admonition that a prince's best fortifications are his own people.[40] And Aquinas would agree. But there is this difference between Machiavelli and Aquinas: while both write for a prince of ambiguous or nascent virtue, Machiavelli writes to persuade the prince to secure himself in power and glory at the risk of considerable moral hazard.[41] Aquinas, however, wants his prince to be good. Should the prince be good, the story runs, he will serve the people and the people will love him for it. Yet what if the people love an evil king, or want an evil king to love, because they themselves are evil? Should he manipulatively exploit their evil qualities to consolidate his authority? Or should he lead them to a better way of living? In such a case we can guess Machiavelli's answer. Aquinas might say that such a situation gives the king all the more reason to rule justly, in a manner that will show them that they should love their true friends and not their enemies. After all, Julius Caesar as a general was loved by his

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40 *Prince* XX

41 If this seems a caricature of Machiavelli's intention in *The Prince*, it is nonetheless the caricature from which one ought to start (cf. McCoy 1989, Strauss 1958).

soldiers, but evidently did not attain to the same level of popularity among the Romans. Who perceived Caesar correctly?

While Aquinas' discussion of the just king makes it clear that political life itself depends upon a kind of friendship, in the case of tyranny he has thus far emphasized how deeply tyrants regret the loss of friends. Now he spells out the political consequences of this lack of friendship between tyrants and their subjects. He begins: "The government of tyrants, on the other hand, cannot last long because it is hateful to the multitude, and what is against the wishes of the multitude cannot be long preserved" (paragraph 79). Aquinas presents two arguments explaining the instability of tyrannical regimes: an argument from chance (paragraph 80) and a critique of fear (paragraph 81). The first directly proceeds from the above claim: the tyrant is odious to the people. The tyrant of course will seek to control their power to resist him: he oppresses them at every turn (I.3-5).[42] Yet can this regime always keep him safe?

> For a man can hardly pass through this present life without suffering some adversities, and in the time of his adversity occasion cannot be lacking to rise against the tyrant; and when there is an opportunity there will not be lacking at least one of the multitude to use it (paragraph 80).

Tyrannical regimes are predicated upon a kind of false order. This order is false first because they have no popular support, but also because it depends upon a stability that no regime can maintain.[43] For no one can escape chance. Even the best rule of law, Aristotle

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42 Cf. *Politics* 1314a29-1315b10

43 This critique thus runs far deeper than the typical one of "façade" democracy or popular government. One is reminded of Scott's claims in *Seeing Like a State* (1998). On the one hand, the drive for "legibility" or universal knowledge he ascribes to some governments could well depend upon a tyrannical impulse that seeks to re-order its people along the lines of commodities or resources to be regulated and exploited, and not "see" the natural roots of political order in family and neighborhood, with the resultant

warns, cannot provide for every situation, and least of all a crisis.[44] The rule of a tyrant, of course, is decidedly less stable than that of the best laws. What weakens the tyrant is that his power depends upon his personal and pervasive use of power. Because Cesare Borgia fell sick when his protector died, Machiavelli notes, his years of meticulous scheming came to naught.[45] And should the tyrant survive to die in office, his legacy will be completely undone by his death. Yet Aquinas emphasizes here that such longevity is unlikely, for the lack of love between the tyrant and his subjects means that the subjects constantly prepare for and await the moment of the tyrant's weakness. Where they find pleasant and noble the task of serving the king whom they love, they find pleasant and noble the task of deposing the tyrant whom they hate.

Second, the argument from fear. The tyrant maintains his power through fear. Yet fear, Aquinas argues, "is a weak support" (paragraph 81). For fear engenders hate and desperation. Prolonged fear leads to conditions that Aquinas compares to building pressure: the moment the pressure can expand, it does so, releasing untold violence against the tyrant.[46] Fear, in other words, is only as good a tool of social control as the power behind it. What is more, Aquinas argues, this "very fear itself is not without danger, because many become desperate from excessive fear" (paragraph 81). Desperation of course makes man unpredictable because he becomes irrational. He may even "despair of safety," which "impels a man boldly to dare anything." This is a curious parallel with Hobbes, who worries that the fear of violent death will not hold down the vainglorious (*Leviathan* vi.39, xi.11-12). But Aquinas does not seem to have only the

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loss of local knowledge that Scott calls "*mētis*". On the other hand, does any modern regime see such natural roots?

44 *Politics* 1286a7-23

45 *The Prince* VII

46 Aquinas thus anticipates by several centuries the "pressure" or "safety valve" theory of civil society (Brownlee 2012).

vainglorious in mind. Anyone who values the justice that the tyrant tramples, Aquinas is suggesting, could be led to desperate and unpredictable acts. They return fear with fear.[47] Thus tyranny not only depends upon a level of order that no regime can maintain, but its very attempt to maintain order fosters disorder.

At I.6, Aquinas strenuously urged against tyrannicide and against resistance to unjust rulers in virtually all circumstances. Yet here Aquinas warns the tyrant: you will be deposed. The people will not miss a chance to do so. Those tyrannical regimes spared from this fate, he says, are those regimes that "were not very tyrannical but in many things imitated the moderation of kings" (paragraph 82). He again references Aristotle's discussion in the *Politics* (1315b11-39). The allusion comes at a good time for our king. If he worries through Aquinas' description of the fragility of tyranny that his own kingdom is beyond help, Aquinas immediately reassures him: do your best to imitate the moderate king, and you will endure. "Moderation" [*modestiam*] is well chosen: it represents less the crown of virtue than a certain disposition to be ordered toward virtue, and particularly not to be intemperately controlled by love of inferior goods like pleasure or honor.[48] This would be the direction in which our royal reader would need to move, after all.

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47 One thinks of James Scott's studies in *The Moral Economy of the Peasant* (1976) or *Weapons of the Weak* (1985) of marginalized members of society who find ways, more or less dramatically, to resist their oppressors.

48 *NE* 1117b23-18a26. Cf. *ST* II-II 161.4 *sed contra*: "Origen says (Hom. viii super Luc.): "If thou wilt hear the name of this virtue [humility], and what it was called by the philosophers, know that humility which God regards is the same as what they called *metriotes*, i.e. measure or moderation."" Keys notes that Aquinas makes no such connection in his *Commentary on the "Nicomachean Ethics"* (Keys 2005, 164). *De Regno* of course pre-dates both works, and so perhaps foreshadows his approach in the *Summa*. But note Pinckaers' argument that the Aristotelian organization of the *Secunda pars* obscures the significance of humility for Christianity (Pope 2002, 21-23).

Aquinas opens the next paragraph with a quotation from Job 24: 30: "He makes a man who is a hypocrite to reign for the sins of the people" (paragraph 83). Aquinas explains that no one "can be more truly called a hypocrite than the man who assumes the office of king and acts like a tyrant, for a hypocrite is one who mimics the person of another, as is done on the stage." Aquinas has raised the problem of hypocrisy before. The difficulty of extrinsic goods like honor is that they can be gained through subterfuge, in this case the simulation of virtue. So the tyrant might take office under the pretense of assuming kingship, when in fact he strives for tyranny. Thus another layer of irony: in the tyrant's quest for order, he must upturn the very order by which he gains power.

After explaining the hypocrisy of tyrants, Aquinas writes: "All this becomes still more evident if we consider the divine judgment… Hence God permits tyrants to get into power to punish the sins of the subjects." The word "permits" [*permittit*] is crucial here: God's involvement in this play takes advantage of the tyrant's willingness to oppress and the subjects' sin. Where God does seem to be more active is the length of the tyrant's reign: just as God gives the people a tyrant in His wrath, he deprives that tyrant of his rule swiftly in His mercy.[49] Aquinas then again quotes Hosea, as at the crucial conclusion of I.6: "I will give thee a king in my wrath," (Hosea 13:11).

The last argument of this chapter concerns the temporal goods that the just king enjoys. Now that Aquinas has said something toward the ways in which the tyrant is deprived of temporal goods, he can return to his claim at the beginning of the chapter according to which kings and not tyrants benefit from the temporal goods for which

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49 Whatever Augustine meant by it, Aquinas has never argued in De Regno for anything like Augustine in *The City of God* V.17: "As far as this mortal life is concerned, which is finished in a few days, what difference does it make under what rule a man lives who is soon to die, provided only that those who rule him do not compel him to do what is impious and wicked?"

tyrants abandon everything. The argument is simple: tyrants expend all of their resources on securing their regime. They must employ "a great many satellites" to protect themselves against subjects, and they must pay these satellites "more than they [the satellites] can rob from their subjects" (paragraph 84). In other words, they must pay their mercenaries an amount sufficient to dissuade them from bribery, theft and corruption. Kings, on the other hand, need not pay such mercenary arms to hold down their subjects, but in fact can even ask for service from their subjects. This, we remember, is because kings can become a kind of friend to their subjects when they serve the common good. Thus the tyrant loses through taking from his subjects, whilst the king gains from giving to them.[50] Moreover, citizens gain from kingship, because the king at the very least does not seek to plunder them as a tyrant would.

Aquinas ends the chapter on a seemingly minor point about fame. I say "seemingly minor" because Aquinas himself begins with "It seems superfluous to speak about fame," but then he does just that (paragraph 85). This apparently trifling matter, however, would be of tremendous importance to our royal reader. Perhaps he has been persuaded of the dangers of seeking honor and glory for their own sake. Yet would it not delight him to know, as Aquinas goes on to tell him, that good kings are praised by men? And in fact that those praises echo long after the death of the good kings? It would confirm his sense of the dangers of tyranny to read that "the name of the wicked kings straightaway vanishes or, if they have been excessive in their wickedness, they are remembered with execration." Thus Aquinas can seal the lessons of Chapters 7-10 by

50 This argument casts doubt upon Machiavelli's distinction between mercenary arms and one's own arms (*Prince* VI-VII), or at least casts doubts on its completeness without considering the justice of the reign of a prince. For the tyrant who oppresses his subject has no arms of his own. Even his own subjects are mercenaries to him.

assuring the king that he will receive everything he desires in ordering his rule to higher goods.

We might remember, however, that at paragraph 73 Aquinas states that the difficulties of kingship will test the best of kings, and that not everything will go his way. This would surely include the material fruits of his labors. We can doubt, then, that Aquinas is preaching a "Health and Wealth Gospel" to the king. The temporal realm is profoundly ambiguous: the king is as subject as the tyrant to chance (I.10), unjust resistance (I.6) and the sloth of his own subjects (I.4) as any tyrant. Yet Aquinas has presented persuasive arguments that the king stands in a better position than the tyrant to rule justly, especially if he can educate his subjects to be as good as he is. And if we follow Solon's dictum to judge a man's happiness only after his death, then we know that the tyrant will only know the most fleeting happiness in life, and none in death.[51]

CHAPTER XI

Chapter 11 begins on a surprising note, and not because of something new Aquinas writes, but because of something we might not have realized that Aquinas has already told us. Noting that material goods redound to the service of kings, not tyrants, Aquinas goes on to argue:

> The tyrant, moreover, loses the surpassing beatitude which is due as a reward to kings and, what is still more serious, brings upon himself great suffering as a punishment (paragraph 87).

Why is this surprising? First of all, we might not have realized that the punishments of the tyrant laid out in Chapter 10 were only losses in the temporal order. It is only after

51 Cf. *NE* I.9-11

thoroughly explicating them that Aquinas moves on to consider the tyrant's supernatural punishment. We might have expected Aquinas to write upon the supernatural first, given that this is the more horrifying and final one. Indeed, in Chapters 7-10 he first speaks of the king's celestial reward, and at great length, only later mentioning, as a sort of concluding aside in Chapter 10, the temporal reward of the king. Perhaps the allure of temporal gains is strong for the less than perfectly virtuous prince, such that Aquinas sees an urgent need to that tyrants gain material goods, in addition to the opportunity afforded by his recent depiction of tyranny. For the king, however, Aquinas begins with his heavenly reward because this will fortify the king to accept the great sacrifices necessary to rule justly. But then in Chapter 7 Aquinas initiates a criticism of earthly goods as the king's reward. In some sense, then, Aquinas adopts a deflationary tactic toward earthly rewards for both tyrant and king.

Aquinas emphasizes in Chapter 11 that the supernatural fate of the tyrant is as surpassingly horrible as that of the king is sublime: "death in the judgment of men, and in the judgment of God eternal damnation" (paragraph 87). This is because of the gravity of trespassing against the common good (paragraph 87); their proud lack of repentance (88); the long-term effects they have on their kingdom (89); and the dignity of the office they hypocritically occupy (90). Rather than a close analysis of the chapter, I hope the reader will forgive me if I instead bring out three parts of the arguments.

First, Aquinas' treatment of repentance and pride. The tyrant does not repent for his crimes against man and God. Tyrants rather embrace them, "puffed up by the wind of pride, deservedly abandoned by God for their sins, and besmirched [*delibuti*] by the flattery of men" as they are (paragraph 88). This is a searing critique of pride. And while a Christian theologian's criticism of pride might not surprise us, that criticism might lead us to rethink the scattered references to the magnanimous man in *De Regno*. For what is

the magnanimous man but proud? And is it not this pride that constitutes his sense of superiority to the earthly goods that Aquinas wishes our king to be above? Yet the pride of the magnanimous man extends to other men.[52] Why not also to God?

Of course, the magnanimous man, whatever his faults, is not a tyrant. Yet the pride of the tyrant looks suspiciously like that of the magnanimous man, at least in this way: neither recognizes anything greater than him in the city. The tyrant takes everything for himself; the final good is simply his good. The magnanimous man has some sense of the common good at least insofar as he seeks to serve it for honor and glory, and in this sense he depends upon other people who will benefit from his deeds and will give him honor. Yet he does not seem satisfied by this reward, as though he were not really acting for that common good. We might wonder yet again what good "he to whom nothing is great" finally seeks, and how he avoids succumbing to the temptations of tyranny if he never finds a good noble enough to match his self-estimation. A magnanimous man who was not a Christian, one might think, would have to become a philosopher to find an equal in the Aristotelian god.[53]

This brings us to our second point about Chapter 11: the long-term effects of tyranny. In paragraph 89, Aquinas explains that the "malice of their impenitence" extends beyond the lives of tyrants, for "taking their accustomed habit [*sua consuetudine*] for

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52 What kind of friendships the magnanimous man has is unclear. The tenor of Aristotle's description points to his awareness of his superiority over everyone and everything, given neither to admiration nor praise (*NE* 1125a5-10), and he displays neither gratitude nor pleasure at having any kind of dependence upon others (*NE* 1124b7-15). Yet he apparently does have friends, and it is not "slavish" for him to share his time with them (*NE* 1125a1).

53 *NE* X. And yet: "…Aristotle did not look upon God as Creator nor as exercising conscious government and providence, but regarded him as the final Cause alone… The virtuous man of Aristotle is, in a sense, the most independent man, whereas the virtuous man of St. Thomas is, in a sense, the most dependent man, that is, the man who realizes truly and freely expresses his relation of dependence on God" (Coppleston 1993, 410-11).

authority, they hand on their boldness in sinning to posterity." Perhaps this argument flows simply from Aquinas' previous argument about pride. Given that the tyrant has no concern for God or the men around him, why should he count for anything future generations? In this claim we see another possible ambiguity about the magnanimous man. On the one hand, it would seem at least as unlikely that he should care about posterity as any tyrant would. On the other hand, the magnanimous man might in his pride wish for his name to live on. He might especially hope, as Nietzsche perhaps did, that in the future would come a generation, or at least a man, who would recognize him as he was never recognized in his own time.[54]

But what does this curious phrase mean? The tyrant takes his own custom or habitual way [*consuetudo*] for authority [*auctoritas*]. The *auctoritas* of the tyrant might simply be that by which he justifies his own actions. Yet in oppressing his people by those actions, he inspires fear and desperation in his subjects (paragraph 81) such that they too might be drawn into sin. Perhaps through their struggles they might even come to see violence and resistance against authority as inherently good. Aquinas might have wished to guard against this dynamic by his strong words against resistance (paragraph 52). Yet the tyrant's influence might yet be subtler. Perhaps if the people choose to bear their suffering under the tyrant – perhaps they are not so good themselves – the tyrant might establish a *paideia* in which his *consuetudo* comes to be seen by many as an authoritative judgment as to the best way to live. One could envision a "slippery slope" effect across generations by which what seems forbidden becomes merely dubious, and then acceptable and even desirable. No one strictly speaking intends such a dynamic: the

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54 Consider, e.g. the preface to *Human, All Too Human*: "What I always needed most to cure and restore myself, however, was the belief that I was *not* the only one to be thus, to *see* thus--I needed the enchanting intuition of kinship and equality in the eye and in desire, repose in a trusted friendship..." (Zimmern translation, 1913)

tyrant simply seeks his own goods and the people, apparently of weak virtue, imperceptibly slouch into it, whether under the reign of one tyrant or a number of them.

Thus the glory-seeking tyrant will at best be remembered by execration, and at worst will be forgotten (paragraph 85). But the latter is perhaps more to be feared. For according to this present teaching the tyrant can be forgotten not only because his tyranny was not excessive, but also because the people did not grasp just how excessive his tyranny really was. But that means that Aquinas' and Aristotle's teaching on the brevity of tyrannical rule does not hold simply. Or rather it requires this addition: tyrannies can endure not only by becoming more just than conventional tyranny, but also by merely appearing to be more just than conventional tyranny by reshaping the conventional meaning of justice.

We will third note the language of Aquinas' final argument. In paragraph 90 he argues that the dignity of the office trespassed by the tyrant especially recommends the harsh punishment of the tyrant. The language evokes strongly the teaching of Chapter 8, that of the king's office as *minister Dei* (paragraph 62). The dignity of the royal office is that of "executors and ministers of His [God's] government", and so the punishment for violating that trust is greater than that for other offices, just as an earthly king punishes his own ministers more harshly than he does his subjects for crimes. Aquinas cites the Book of Wisdom's warning to "ministers of His kingdom" about protecting [*custodere*] "the law of justice" and "walk[ing] according to the will of God." Aquinas fittingly concludes this section with Isaiah's promise of punishment to Nebuchadnezzar, the tyrant whose punishment by God was offered as proof at paragraph 62 that all kings serve God. By this point in *De Regno*, our king has become accustomed to thinking of himself as a minister of God, and Aquinas can articulate the full implications of the notion. What is striking about this passage, after all, is that it goes beyond the king's failures to protect

the common good, to repent for their crimes or to provide for posterity. Rather, Aquinas singles out the dignity of the office as *minister Dei*, a teaching that only reinforces the nobility of the common good that the king is to defend.

At the outset of this chapter, we noted that I.10 concerns the temporal disadvantages of tyranny, and that only at I.11 does Aquinas take up the supernatural punishment of tyranny. Yet I.11 justifies that supernatural punishment in terms of the horrific earthly consequences of tyranny: the tyrant tramples upon the common good, the tyrant sets up his *consuetudo* as a perverse *paideia* that inures his people to injustice, and so on. Even the last argument, according to which the tyrant fails in his duty as a minister Dei, is coupled to the health of the polity. Serving as a *minister Dei*, in fact, is Aquinas' explanation of the God-king analogy that has struck us as so curious throughout *De Regno*. It is to be sure a specifically Christian and theological reading of the philosophical neo-Platonic God-king analogy. Yet Aquinas has made the best of philosophy and theology in these two chapters, showing that to be a good *minister Dei* is to fulfill the promises of the excellence of monarchy. It is evident from reason that temporal rewards are more likely to go to the king, not to the tyrant (I.10). Yet for the king who might grasp such arguments less clearly, revelation powerfully supports the conclusions of reason (I.11) Thus even if in the uncertainties of the earthly it might seem that injustice pays, Aquinas can remind our king that what he gains in life as a tyrant will be infinitely outweighed by what he loses in death.[55] The king, moreover, comes into that reward by serving as a good king, by promoting the common good.

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55 Fortin 1996, 212-3

CHAPTER XII

Turning to the final chapter of Book One, Chapter 12, we find a summary of our progress:

> If therefore temporal goods abound and come [*proveniunt*] to kings, and an eminent degree of beatitude is prepared for them by God, and tyrants are for the most part frustrated in seeking the temporal goods that they covet, subjected to many dangers, and, what is more, are deprived of eternal goods and singled out [*reservati*] for the gravest punishments, those who take up the duty of kingship must zealously strive to serve their subjects as kings, not as tyrants (paragraph 91).

This sentence re-organizes *De Regno* as it synthesizes its teaching: any king, seeing the king's reward (I.7-9) and the frustrations and punishment of the tyrant (I.3-6; I.10-11), will exercise the duties of kingship (I.1-2) with ardor and hope. Most notably, what has thus far come last in *De Regno*, "The Reward of the King", now comes first. In this it bears a certain parallel to the beginning of I.10, which prefaced the punishment of the tyrant, save that Aquinas there had not completed outlining the frustrations of the tyrant's rule (I.4-6) with his punishments (I.10-11). Recall that before I.7, in fact, the instability and perils of tyranny, not the tyrant's punishment, were the dominant theme of the work. But they are clearly related. Thus Aquinas' introduction of the theme of the reward of the king initiates the lesson in how to avoid the ills of tyranny. In some sense this is his refining of the best regime (I.2), for Aquinas herein has shown what the ruler of the best regime must be, namely a *minister Dei*.

I have suggested that I.12 is an illuminating re-statement of what comes before it. Eschmann, however, suspects that it is an elaboration to the text added after Aquinas. Chapter 12, he argues, reflects the plan set forth in the prooemium, but not what falls in

between.[56] Most glaringly, in the prooemium Aquinas promises to discuss two subjects: the "origin of kingship" (*regni originem*) and "the things which pertain to the office of a king" (*ea quae ad regis officium pertinent*). Yet Aquinas does not execute this plan, Eschmann argues, because the last chapters of Book I concern not the origin of kingship, but rather its reward and the punishment for tyranny. The reward of the king is a practical rather than a theoretical consideration, and thus belongs in Book II, with "the things that pertain to the office of the king." This section, I.7-12, was in fact set up as a distinct book, *De Praemio Regis* ("The Reward of the King"), by at least one medieval compiler of the text.[57]

What can we make of this claim? Prima facie, Eschmann could have a case, although we might simply lack a text between I.6 and I.7 that justifies this organization. Further, as Jordan notes, this section could easily be transposed to Book II without threat to the integrity of the text.[58] But we might also question Eschmann's assumptions, particularly the practical nature of "The Reward of the King" and how to read *De Regno*.

First, the practical nature of I.7-11. The reward of kingship has practical implications to be sure, yet the issue at hand in *De Regno* seems to be the identification of that reward. And that identification requires an understanding of what man is and why he acts. The reward of the king comes to depend upon one's understanding of man's soul and its goods, what man is. These are speculative matters. And while they can be part of a line of thought meant to lead to action, they are also meant to inspire reflection and contemplation, as is Aquinas' intention with the Cypriot king. A political philosophy that

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56 Eschmann 1949, xiv-xxi
57 Eschmann 1949, xvi
58 Jordan 1992, 161-2

recognizes the necessity of knowledge of man's end will always be dependent upon speculative philosophy for knowledge of that end.

Even granting that the reward of the king is a practical matter, one could disagree with Eschmann that the concern of I.1-6 is entirely theoretical. The prevention of tyranny, for instance, strikes one as practical. Rather than seeing one part of *De Regno* as theoretical and another as an alien practical excursus, it might be better to think of I.1-12 as a patchwork of theoretical and practical teachings.

What of how Eschmann reads *De Regno*? We might see the prooemium as a kind of plan for the work, but doubt that the plan will be laid out in a deductive fashion. In fact, this could be a major obstacle to readers of *De Regno* versed in Aquinas' works: this text is not a treatise, and it is not laid out in terse, logically parsimonious declarations. For instance, we noted that the putatively practical sections on the reward of the king seem to be misplaced. But is there no intrinsic connection between the origin of kingship and its reward? As a letter written for a king, would we not expect Aquinas to link closely the king's reward with the pre-conditions for its attainment? Roguet explains that this text is in part a "pedagogical tract", a suggestion that Eschmann somewhat heatedly rejects because it could, he fears, lead one to take a section such as "The Reward of the King" for a mere "exhortative sermon."[59] As we have been at pains to note, however, this work is indeed pedagogical. And while that fact need not lead us to reduce *De Regno* to a genre-bound manual or to a bland "exhortative sermon," it should also not lead us to treat *De Regno* as yet another treatise.

It is to the advantage of scholarly comity, then, that much need not hinge on I.12. For even were I.12 a later elaboration to *De Regno*, as Eschmann suggests, the textual ordering of I.1-11 points to several perplexities in the teaching that might lead us to

59 Roguet 1931, vii; Eschmann 1949, xvii

reorder I.1-11. That re-ordering, in turn, would lead to an ordering of the text similar to that suggested by I.12. The perplexities are many, but the main two concern the confusions of I.1-6 and the relation between I.1-6 and I.7-11. First, why, after promising a theoretical account of kingship, did Aquinas move so quickly to the practical problems of tyranny? Why was our king given so little guidance as to leading his people? What was said only illuminated how much more Aquinas might have explained, especially his intriguing hints as to the meaning of the common good and the *liber/servus* distinction. Second, why does Aquinas proceed from the perils of tyranny to the reward of the king? This is strange first because Aquinas has said virtually nothing as to the apparently great royal duties that warrant this reward, but second because of its odd juxtaposition with his discussion of tyranny (I.3-6). In his description of tyranny, Aquinas outlines in great detail the features of an "excess of tyranny," and often speaks as though many if not most regimes descend into tyranny (I.4-5). It is a bleak picture of political life. In "The Reward of the King," however, Aquinas argues that man stands above earthly riches, glory and honor, and that, through his "divine" service to the common good, he merits dwelling with God.

Thus, when I earlier suggested that, even were I.12 a later elaboration to *De Regno*, the textual ordering of I.1-11 nonetheless points to a similar perplexity in the teaching, I meant something like this: just as I.12 places the "Reward of the King" at the center of our inquiry, so the juxtaposition of I.1-6 and I.7-11 raise the question of the place of the king and his virtue and reward in a text hitherto dominated by an account of the tyrant and his vice.

I would argue that we already know the solution to these concerns. At I.8, we noted a certain sleight of hand by Aquinas. In speaking of the "reward of the king," Aquinas at times speaks of the end of man. This is reasonable in view of his analysis: the

king holds an office at the pinnacle of man's achievements, and so the king's reward must be that of the greatest man. Yet it also reveals or plays upon the double meaning of "reward", reflected in Aquinas' shifting use of *praemium* and *finis*. Conventionally, a reward is something one receives for completing a task. The reward might induce one to perform an activity one would not otherwise do. Aquinas thus opens Chapter 7 with "the task of a king may seem too burdensome unless some proper good should come to him from it."[60]

Yet a reward can also be something that one attains as a kind of completion of one's activity. One trains to become a better athlete. One reads and argues to become a better scholar. One practices to become a better dancer. What is striking about such rewards is that they are not something accidentally added to the activity, as in the case of being rewarded with a candy bar for taking out the trash. They are more akin to the "reward" of becoming a better family member in taking out the trash. Indeed, one might recall Aristotle's teaching that "virtue is its own reward." We may thus recall from I.8: "It is therefore fitting to expect as a reward for virtue that which makes man happy [*beatum*] (paragraph 63).[61]

It is this kind of end that Aquinas seems to have in mind in the later sections of *De Regno*. In seeking the kind of reward that would induce the king to rule justly, he does not merely ask what sort of reward a king would most like or desire. He does, make no mistake, consult the convention on the subject. For if kings were sufficiently motivated

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60 In the great example of the philosopher-kings of Socrates' city-in-speech, it becomes clear that no reward would induce the philosophers to take up the task of rule: they must be forced to do so (*Rep* 516a ff.).

61 The completion of the activity would also seem to be a completion of oneself, although that is less clear from what Aquinas has said. Thus Pieper: "people should not think about what they ought to do, they should rather think about what they ought to be." Thus moral philosophy and theology should take as their points of departure "the idea of the good man" (Pieper 1949, 3).

by glory and honor, then I.7 could be the end of *De Regno*. But Aquinas does not think that glory and honor really satisfy the king (I.8). Moreover, even were these rewards sufficient inducement from the point of view of the king, these rewards would be disastrous in view of the needs of the community (paragraphs 57-9). Aquinas is led, then, to ask what sort of reward could induce the king to rule and genuinely satisfy his needs as a human being. This reward, moreover, must be of the sort that will inspire the king to be truly just toward his people. In other words, this reward would orient politics not as an extrinsic bribe for good behavior, but as something worthy in itself issuing intrinsically from political activity. Thus in I.8-9 Aquinas moves from the question "What would induce a king to rule?" to "What would make a human being happy?"

What might strike us at this point is where this discussion of man's end appears in other works of Aquinas, or indeed of many other moral thinkers through the ages. A series of questions on man's happiness begins that portion of the *Summa Theologiae*, the *Secunda pars*, treating on moral theology.[62] And this question begins Plato's *Republic*, Aristotle's *Nicomachean Ethics* and Cicero's *De finibus*. Even the question of justice in the Republic proceeds through question about man's diverse parts and their highest end.[63]

Why do such inquiries often begin practical works? Practical or moral philosophy studies human actions, or what we do (Latin: *agibilia*). Practical activity can be distinguished from speculative activity as an attempt to do rather than to know.[64] Thus when humans act, we quite naturally ask what the point of the action is. What is this person trying to do or accomplish? While words like "intention" or "end" can signify

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62 Froelich 1993 begins with illustrative citations for Aquinas' numerous re-iterations of this teaching, including at the beginning of the "Questions on Law": *ST* I-II.1.3; I-II.1.5; I-II.18.6; I-II.90.2; I-II.94.2; II-II.43.3. Wieland's chapter in Pope 2002 (57-68) is a good introduction to the "so-called Treatise on Happiness" in the *Summa Theologiae*.

63 *Republic* IV

64 McCoy 1989

radically different theoretical accounts of what it means for action to have a point, underlying them all is a sense of praxis or action characterized by purposive doing. Thus on this view ethics takes ends as its point of departure and not, as some caricatures of teleology would suggest, because of the similarity between human beings and trees or plants, which reach their end instinctually as it were. Rather, ethics so conceived proceeds from the observation that man must learn what his end is as a human being, which often requires some "unlearning"[65], and how he can in his community cultivate himself toward it: man does not spontaneously grow into his completeness.[66] Thus, ethics studies voluntary acts – not the fall of rocks or the growth of trees – as the outgrowth of man's will and reason.[67]

If a given end allows us to make sense of a human action, then it is man's ultimate end that "renders intelligible all those choices and activities that human life comprises."[68] But lest this seem too abstract, let us be clear of what we are speaking: happiness. The question of the "good life" or the best way to live or eudaimonia are well-known to be the great themes of ancient philosophy. But can the same be said for Aquinas? If the structure of the *Secunda pars* is anything to go by, then yes. Indeed, Pinckaers writes: "To anyone with an open mind, one huge fact stands out in the history of morality: for the ancients, Christians and pagans alike, the question of happiness was primary."[69]

We asked at I.7: why does Aquinas introduce the question of the reward of the king? Now we might ask: why does Aquinas wait until I.7-11 to raise the question? Why

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65 Benestad 2011, 297

66 Pinckaers 1995, 354-78

67 Aquinas' *Commentary on Aristotle's "Nicomachean Ethics"* III, Lectures I-IV

68 Froelich 1993, 609

69 Pinckaers 1995, 18. Pinckaers means to contrast an ethics of happiness with an ethics of obligation, a claim that raises problems for many traditional lines of Thomistic ethics. We will return to this opposition in our discussion of the natural law in Chapter 4.

does this theme, a theme that he would later take to be the foundational teaching of ethics, and thus the first thing one must discuss, appear *in media res* in *De Regno*? Why does "The Reward of the King" come in the middle of *De Regno* rather than in the beginning? Let us consider one of Aquinas' terser formulations of this teaching: "Although the end be last in the order of execution, yet it is first in the order of the agent's intention. And it is this way that it is cause."[70] The end is the final achievement of action, so the end occurs or comes into being last temporally. Yet it is the cause of all action because it is that in view of which the action is undertaken. To see the end as this cause, one must have a synthetic or philosophical view of action. The person who thinks less in view of formal ethics, however, in evaluating someone's activity might primarily see mere acts and not the reasons for which they are done, the goals for which they are enacted. Acts often fail to achieve their ends, after all, and humans sometimes change the ends they pursue or are only vaguely aware of their own ends, such that a human life can appear to be a messy welter of misfires and fumbles, nothing coherent about them. And even were one to grasp intellectually this teaching, one might doubt that it has any practical significance. Can acting in view of ends allow one to cut through the tangle of chance and failure to achieve one's goals? And in what sense are all of our actions ordered to some great and ultimate goal or end?

In other words, the teaching and its rationale have to be taught to our Cypriot. We might think, then, that Aquinas' presentation of I.3-6 is precisely what the king himself expects. Yes, the tyrant seeks goals. But he often fails, and not just because chance crushes the best plans. There is also something self-defeating about tyranny. Even when it goes well, it fails to satisfy the tyrant. This frightening conclusion persuades the king both that tyranny is bad and a fortiori that the end of politics matters to politics. Or at

70 *ST* I-II 1.1 ad 1

least it could. Yet tyranny looks very attractive not only in its extreme elements, but also in the minor departures from justice that any kingdom could easily suffer. And this teaching could be a hard saying for the untutored king who both worries about his soul and fears that he will make mistakes. Thus Aquinas wants to assure the king that what we have called "moderate tyranny" is a very different matter from the excess of tyranny that Aquinas execrates (paragraph 38). Yet Aquinas also wants the king to see that these departures are acceptable only precisely insofar as they stem from the travails and mistakes of ordinary political life. This two-fold teaching gives the king courage to face it even as it accuses him of moral frailties that he might rather not think about it. Thus, as we asked at the end of I.4, Aquinas seeks to show the king not just how not to become a tyrant, but why not to become one. This is indeed the lesson of *Politics* 1315a40-b10.

We can similarly make sense of the placement of "The Reward of the King." For having been thus educated, the king will be ready to embrace a happier message, one that imparts a more positive teaching. Indeed, I.7-11 reads very much like a second sailing for our Cypriot king. "The Reward of the King" begins with the question of the king's reward for his fidelity to justice, but then almost imperceptibly turns to the question of the king's end (*finis*). So the reward of the king becomes the end of the king. Yet in speaking of the king's end as particularly glorious among men, Aquinas adverts to the fact that the reward of the king is the reward of all just men. In securing the common good, then, the king is already securing his own end. And in seeking his reward, the king is seeking this reward for all men in his land. In short, then, Aquinas grants the king knowledge of his end. While the image of the king as the sea-tossed sailor is indeed sobering, it is connected with the reward of the king in such a way that the king's plight is far less tragic than Aquinas initially suggested in I.3-6.

Knowledge of the end of politics, then, is what a theologian can teach a king. Thus the prooemium. What is more, the phrase "*Omnis multitudo derivatur ab uno*" might have a second meaning. Just as the end is first in intention but last in action, so the "*unum*" might be first in intention but last in action. The end could be what gives unity to the activity of the community. And so while analytically we can see that the multitude has to come together in time to form a unity, that unity is causally prior to that multitude, for the very idea of unity is what draws them together. And Aquinas thinks that we see evidence of that unity in the families and friendships that are the bedrock of a just regime. Thus his surprising stress on the amicitia that binds king and subject.

CONCLUSION

Our remaining questions about I.1-6 chiefly concern the nature and duties of the kingly office. What is the common good? And how does it relate to the individual's good? We saw Aquinas move in I.8-9 from the question "What would induce a king to rule?" to "What would make a human being happy?" This involves two shifts: a changing notion of "reward" to "end", and a concurrent shift from the king to man. The reward of the king will be greater than that accorded to the citizen. But all virtuous men enter into beatitude. Thus we might think that the good man, the *liber,* and the good king, the minister Dei, have at least that in common. But what is the *liber* or *sui causa*? At I.7 we thought he might be the magnanimous man, the one free from attachment to earthly goods beneath him. But then why does he act? The thrust of I.8-9 seems to be that only in acting in view of a worthy end can one be rational. This end, of course, is finally God. Thus the *sui causa* directs his actions toward the attainment of happiness, which Christian revelation shows to be the God of Abraham, Isaac and Jacob.

But did not God finally cause man? And so does the *sui causa* not finally act for the sake of God, not for himself? Yes, indeed. Thus we can say that the *liber* causes himself and acts for himself in only a limited sense. He could not after all create himself. A definition of freedom that does not account for this fact, then, would be deficient. We might think that the worst consequences of a mistaken view of freedom would arise in politics, where men have power over other men. Consider, for instance, the God-king analogy, and how the king might infer from it that he has arbitrary power of life and death over his subjects. Even if he did not know this analogy, this is obviously a temptation for many kings. Yet in seeing himself as a *minister Dei*, he would see that he must not be a wrathful king after all, and that he must serve his people. A certain parallel arises between the *liber* and the God-king, that they both discover their true freedom in directing their activity to God. Thus Aquinas wrote that "each man would be a king to himself under God, the highest king [*sub Deo summo rege*]" were man meant to live alone (I.1). There are two different ways to read this statement, or two different points of emphasis. First, that man's obedience to political authority requires express justification, as otherwise he should be a king unto himself. A second reading, however, would note that even were man not accountable to any civil authority, he would not be entirely and simply *causa sui*: he would still be under "God, the highest king."

As the reward of the king comes in serving his people, perhaps the activity of the *liber* should also redound to the good of others. This makes sense of Aquinas' frequent distinction between the good proper or particular to the liber [*bonum proprium*] and the private good [*bonum privatum*] of the tyrant: the tyrant takes goods from others, and so the person losing such goods receives no benefit from politics, thus being a *servus* not only in the sense of being under the control of another, but in not receiving the fruits of his own labor. Thus there is no common good between a tyrant and a *servus*.

As for what the common good actually is, we seem to have two candidates: the friendship of the subjects and king, and God. Aquinas has emphasized repeatedly the amicitia that holds between subjects and their ruler. This friendship might seem to be the common good of a polity insofar as it rests upon the common human nature of the citizens and produces desirable political outcomes, namely peace [*unitas pacis*] and justice. To be clear: the common human nature of the citizens could not be the common good because they would mean nothing politically without the development of friendship, as I.3-6 shows, and the peace and justice that seems to be the final end of politics are for Aquinas co-constitutive of that friendship. The just ordering of society is part and parcel of that friendship. Perhaps this is what Aquinas meant be *unitas pacis* at I.2.

In some sense God is more explicitly the end of politics for Aquinas than this friendship, although the idea is harder to grasp. The point of politics is attaining to beatitude, to know and love God. This indeed seems to be Aquinas' claim, and it coheres with ancient teachings according to which happiness is the final end of all human action. Yet we might wonder, if beatitude depends upon a God beyond the city, how beatitude is an end attainable by that city and in what sense that beatitude is "common." It might thus be helpful to consider that the friendship between citizens is a common good intrinsic to the activity of the community, and that God is a common good extrinsic to the community. In other words, this friendship is the very kind of reward that Aquinas seems to be pointing toward in I.8: a reward not attained as some accidental addition to what one attains through activity, but as an inherent completion of the activity itself. This kind of reward is happiness, the fruit of virtue. Beatitude, on the other hand, requires an additional term beyond the community: God. If the *minister Dei* and the *liber* faithfully

serve God, then they are ordering the community toward an end beyond that community.[71]

If some matters are clearer than they were in I.1-6, we have as yet questions remaining. I shall focus on two. First, what is the relation between the king-in-his-kingdom and God-in-His-creation? Second, how fully can politics reach man's end?

First, *minister Dei* as a gloss on the God-king analogy. We have connected the God-king to the *minister Dei*, which clarifies that the king in imitating God in his kingdom actually imitates God by seeing himself as less than God: by being God's minister. Yet this would not seem to alter Aquinas' claim in I.2 that monarchy is the best form of government and that this can be show from God's governance of the world. It reinforces it, in fact. So what concrete significance does this have for political activity? How ought the king to rule his kingdom? This question might also include one raised in I.1 and I.3 but not since, whether he should seek to build or maintain a *provincia*. In all of this, he ought to be speaking to the fool from I.10: he who has faith in beatitude but questions whether Aquinas has shown us how to order our politics toward it.

Second, how fully politics can actually reach man's end? As we noted, Aquinas' argument about the proper reward for the king moves from goods that are often taken to be conventional ends of politics, including glory and honor, to goods which seem surpassingly better, indeed fully satisfying to man's highest faculties, especially beatitude. Yet for this very reason, such an end seems less likely than glory or honor to issue from politics. To put this differently: to prove that only something like beatitude can satisfy man's highest faculties is far from proving that beatitude can be had or gained by the citizen through politics. The question is whether politics can lead or help lead man qua citizen to that happiness. And if some other institution must play a role in leading a

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71 De Koninck 1943 articulates this distinction masterfully.

man to this happiness, e.g. the Church, then Aquinas must explain the relation between the king and that other institution. As we saw at I.6, Aquinas has abstained from mentioning any such additional body.

I suggested in our discussion of I.7 that Aquinas' criticisms of earthly goods as inferior to man are rationally defensible and reflect a still-common teaching in much modern thought. To say this is not to prove that what Aquinas argues in I.7 can be accepted without revision, nor would it "prove" that Christian beatitude is man's final end beyond the earthly. I would urge that modern political theory return to and revive this line of questions that so many ancient and mediaeval thinkers asked, even if we suspect from the outset that our answers to them would not be quite the same, or that we would not agree among ourselves.

That being said, what room in this polity Aquinas will leave for the person who sees that man has ends and that they seem to go beyond the earthly, but who does not see that God is that final end? If we connect this concern with the two questions I just asked above, then we might ask: what would a government look like that somehow fulfills not only a community's end of beatitude but also fosters each man's inquiry into just what his happiness really is? To answer such questions would be to respond to the infidel of I.10.

Chapter Three

At the conclusion of Chapter 2 and our investigation of *De Praemio Regis*, I suggested that two fundamental problems loom for our understanding of *De Regno*. First, what is the practical significance of the analogy between the king-in-his-kingdom and God-in-His-creation? Second, can politics reach man's end? Furthermore, these two problems seem to be connected. What connects these questions? An analogy suggests a relation between terms, an identity of a particular or partial kind. While the king and God both govern, the king only governs part of the world, and as a servant of God, not as God: as a *minister Dei*. This inferiority suggests that the king exercises only some authority in conducting man to his end, that God as the master of this servant will complete the task and has final authority over it. Thus the king as any man receives his reward from God, his master. But have we not stressed that political activity must be defined by the end that men seek through it? Then what end do they seek? What is the end of the rule of our king?

While these questions proceed from the theoretical analysis of I.1 and I.7-9, our king will want practical advice. Indeed, we do, as well, and can agree with Eschmann that the practical elements of *De Regno* have been brief and far-between. The putatively practical account of the reward of the king (I.7-9) turns out to be surprisingly speculative, leaving the discussion on tyranny as the only significant practical discussion we have come across in *De Regno* (I.3-6). We can hope, therefore, that Aquinas in specifying the king's nature as *minister Dei* will descend into practical details. Perhaps less has been

written on Book II than on any other portion of *De Regno*, so we must again rely upon our own wits.[1]

We thus continue to Book II of *De Regno* for answers to such questions. In this study I propose to consider only II.1-4, not II.5-8. While Eschmann argues that II.5-8 are part of Aquinas' authentic text, Blythe and others continue to worry that those final chapters contain or are primarily comprised of Ptolemy's embellishments.[2] In any event, our study would not be enhanced significantly by their inclusion: II.5-8 primarily give flesh to ideas already laid out in II.1-4, especially II.4.[3]

CHAPTER I

Chapter 1 opens with a welcome promise. It will consider "what the duty [*officium*] of the king is and "what a king ought to be" (paragraph 93). This duty will be uncovered, Aquinas writes, from considering "the pattern of the regime of nature [*regimen naturalis*]." For art is an imitation of nature, he argues, and "from [nature] we accept the rules to act according to reason." Thus II.1 would seem to be a continuation of I.2, which asked what a king is. Now that we have some sense of the answer to that question – the man who leads his people in justice toward God – we can detail his office or duty. Indeed, it seems that Book II will proffer a practical teaching. And after all the talk of beatitude and the *minister Dei*, Aquinas yet emphasizes that the duties of the king exhibit a consonance or harmony with reason and nature itself.

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1 The two exceptions concern its authenticity (see footnote 2) and relations between "Church and State" (Eschmann 1958, Boyle 2000, Smith 2010, Cain 2012).

2 Blythe 1997, 2-3. Blythe notes that Black 1992 rejects all together that Aquinas wrote *De Regno*.

3 Cf. Eschmann 1949, 57, footnotes 5-7. Thus II.4 ends: "These then are the duties of the royal office, each of which must now be treated in greater detail."

If we are to learn of the royal office from nature, then we should consider the government of nature. That government, Aquinas argues, is two-fold: universal and particular (paragraph 94). As for the universal, "all things are held together [*continentur*] under the rule of God [*Dei regimen*], who by His providence governs all." The particular is greatly similar to divine government, and is found in man. Thus man is a *minor mundus*, literally a microcosm, containing the reason and spirit that animates the universe as a whole.[4] Aquinas then explains the parallel: reason governs the powers of the soul and the body as God governs the spiritual and corporeal bodies of the universe. "And thus in a certain manner [*quodammodo*] reason obtains in man as God obtains in the world."[5] But this way of speaking only equates a single man with God, and we have repeatedly noted that man is "naturally a social animal living in a multitude." Thus we should note that this analogy holds not only for the reason in one man, but also for the reason of the man that governs a multitude of humans. This analogy of reason's role "principally pertains to the office of the king." Other animals may live in society and even exhibit a kind of royal government, as with the aforementioned bee king. Yet such animals govern and are governed not "through reason" but "through instinct." This instinct is "implanted [*inditum*] by the great ruler, who is the author of nature." If reason is the mark of government, then animals do not share in universal government, but are ruled by the universal government of God. Thus their instinct is the pattern of that government. Note that "*inditum*" is the same word that Aquinas uses at I.8 to claim that knowledge of

4 As is commonly attributed to Aquinas: "*Homo non proprie humanus sed superhumanus est."*

5 Eschmann translates *quodammodo* as "proportionate manner," which raises the question: what is the proportion between this universal and particular? (Eschmann 1949, 54)

happiness as the reward of virtue is "implanted [*inditum*] in the minds of all who use reason" (paragraph 63).

We noted at I.1 that Aquinas argues that reason rules the soul of each man, and that one man rules over other men. But Aquinas never explicitly finished the syllogism, namely that the reason of that man would rule over other men. He has now done this. The government of man over men will have to be more than the instinct of animals, but it must also be something more than the willful caprice of the tyrant, which in some sense is worse than rule by beasts (I.3). The first consequence of this teaching is practical:

Therefore let the king recognize [*cognoscat*] that this is the office that he has taken up, that he is to be in the kingdom what the soul is in the body, and what God is in the world. If he reflects seriously upon this, a zeal for justice will be enkindled in him when he contemplates that he has been appointed to this position in place of God, to exercise judgment [*iudicium*] in his kingdom; further, he will acquire the gentleness of clemency and mildness when he considers as his own members those individuals who are subject to his rule (paragraph 95).

This passage bears a resemblance to I.1, but the teaching is crucially different. Aquinas emphasizes here that the king cannot simply spontaneously assume his place in the hierarchy of governments that justifies monarchy as best: he must "recognize" and "reflect" upon it through reason. In so doing he will predispose himself to a "zeal for justice" that will aid his service *in loco Dei*. Justice, we saw at I.1, requires knowing how to lead fittingly a multitude of free men, men who act for their own sake, to their end. He will thus come to understand the place of judgment and clemency in serving his people.

This reference to *iudicium* is a first for *De Regno*. The word has a legal meaning as the decision or sentence of a court, and a more conventional one as judgment, discernment or forming an opinion. Aquinas in many of his works uses *iudicium* in its

Scholastic sense as an exercise in prudence, namely *iudicium electionis*, or the judgment of choice that finally issues in act.[6] This *iudicium* follows upon deliberation, and is the intellect's and the will's assent to the counsel of deliberation as to what act should be executed.[7] We can doubt that Aquinas expects his royal lector to know of the technical distinctions behind *iudicium*, and in any event the context does not prove that he means to invoke them. But it should be clear that *iudicium* even in its conventional sense denotes the difficult and momentous decision-making in which he will have to engage to secure the good of his community. What unites these differing denotations is the kind of decision one has to make in pursuing ends through concrete means in contingent circumstances: in other words, practical reasoning. The height of practical reasoning, of course, is regnative prudence (*prudentia*). Prudence requires experience with the contingent and the changing: with what could be otherwise rather than the necessary.[8] Yet *prudentia* is more than just than the application of this knowledge. It is not a *techne*, in Aristotle's language. Rather, man can only practically reason well when one can discern the proper ends of action and pursue the means to achieve them. As Aquinas urged at I.2, man does not deliberate on ends through the virtue of prudence. To be prudent, one must be a virtuous person who knows and seeks the good in his activity.[9] Thus some means are ruled out: when one sees that one must secure some end, one can conceive of means that would be more or less fitting for that end. The ends do justify the

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6 *ST* I 79.8, I-II 13; cf. Goris 1997, 159, following Garceau 1968

7 See Westberg 1994 for more on the place of *iudicium* within practical reasoning.

8 Aristotle, *NE* VI; Aquinas, *Commentary on "Nicomachean Ethics"*, Book VI, Lectures IV and VII

9 Cf. Machiavelli: "[P]rudence consists in knowing how to recognize the qualities of inconveniences, and in picking the less bad as good" (*The Prince* XXI.91).

means, in other words, but in the sense that only those means consonant with the end are licit.

Thus the word arises at a pivotal moment in *De Regno*. The end that prudence pursues is precisely what was promised at I.2, namely that of the *liber* living in a multitude, but only revealed at I.8. We saw that the tyrant's misery results from his failure to act in view of man's proper end, and we have received many urgings not to deliberate upon ends. Thus while Aquinas has never directly raised the notion of prudence until now, *De Regno* has been a kind of education in prudence throughout.

The regime of nature reveals not only the rule of one but the rule of the rational one as the best regime. In some sense, then, II.1 is an answer to the question of I.6, namely the sort of man who should serve as king. He will have knowledge of his end, and the zeal to pursue it for himself and his people. The man who can exercise judgment is in the first place a *liber*, because he is capable of ruling himself through reason toward his proper end. Having *iudicium* of a political sort, he can also rule other *liberi* because he knows the requirements of freedom and he sees their directionality toward God.

This section thus corrects a possible misunderstanding of this chapter's teaching. In the opening paragraph (93), Aquinas states that the duties or office of the king is to be learned from the regime of nature. One might think that the resulting politics would be deterministic and afford no space for human agency or rationality. Such determinism, moreover, might seem to imply absolutism, for the king's claim to power would be unlimited within the scope of its natural basis. Yet this would be to assume a modern understanding of nature, one according to which "nature" is the laws of motion.[10] Aquinas states that the reason within man is to govern the polity, and clearly distinguishes it from instinct of animals. And he suggests that in nature itself is revealed

10 Strauss 1953, 9-34

man's reason: man's nature is itself rational. Thus the "regime of nature" here does not reduce politics to metaphysics or the physics of motion and change. In fact, the king is exhorted to seek justice through prudence. This reference to *iudicium* at the chapter's end, then, should only amplify what is already clear: much of political rationality is prudential, and the teleological foundations of Aquinas' political theory are no denial of this. It is only in view of one's end, after all, that one can in fact exercise prudence.[11]

If the king serves God as a minister, how is the king's "particular" government aligned with that of God's "universal" government? We might question this alignment or ordering in terms of both means and ends. Are the two governments aligned by virtue of their being rational, or operating according to some dictate of reason? Aquinas probably has both in mind, as we saw at I.7-9. But how rational will the king's rule be if his political activity serves revealed truth? This raises the question of the alignment of these governments' respective ends. The king serves God as a *minister Dei*, but does that mean that the king himself secures what God means to accomplish in or through the world? In other words, we know from I.8 that the king's rule is to conduce to the beatitude of his people. Does this mean that the king himself secures it for his people? The most passing acquaintance with Christianity suggests that the answer is no.[12] And Aquinas makes no such suggestion in II.1: the ordering of the two governments appears mainly as a kind of analogy between reason in the soul and God in the world. But what precisely does the king promote, then? What does he secure for his people? If the king's particular

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11 I raise this last point in part because of a footnote of Eschmann in this chapter. In that note he writes that the "methodical principle" of turning to the regime of nature "should not be considered as St. Thomas' last word in the matter," and refers the reader to *ST* II-II 47.10-13, which questions relate to prudence in legislation (Eschmann 1949, 53, footnote 2). The several albeit scattered references to practical reason in this chapter suggest that Aquinas' current method is not something he discards in later works.

12 As Schall often says: man cannot save himself, but he can keep himself from being saved.

government complements that of God's universal government, then Aquinas will need to explain what delimits this particular government from the universal, especially in terms of their ends.

CHAPTER II

Chapter 2 makes a number of distinctions helpful for answering our questions. Chapter 1 informed the king that his duties can be discerned by considering God's governance of the world, the *regimen naturalis*. Chapter 2 now proposes to spell out in what that governance consists.

> In general two works of God in the world must be considered. One by which God created [*instituit*] the world, the other by which God governs the created world. These two works are furthermore [*quidem*] performed in the body by the soul. First, by virtue of the soul the body is formed, and then by the soul the body is governed and moved (paragraph 97).

Thus God's two great activities in the world brought it into being and then subsequently have provided for its preservation.[13] Aquinas compares God's creation and governance of the world to the soul's activity toward the body, although the difference in language is striking: God created [*instituit*] the world; the body is formed [*informatur*] by the soul. Even the passive verbal construction places the emphasis on the effect on the body rather than the soul's act upon it. Man is a composite of body and soul: the soul is the form of the body, and it would be beyond our imagination to conceive of this body without a soul, as though the body were prime matter.[14] Yet for all of that, the soul does not call the body out of nothingness. At best, it forms and shapes it, as the Demiurge of Plato's *Timaeus*

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13 Cf. *ST* I 104.1-2

14 Gilson 1936, 168-88

takes what already is and gives it form. It is worth pointing this out if only to consider just how radical Aquinas' doctrine of creation is. Creation must mean calling forth being out of non-being.[15]

When we consider that the soul cannot conjure something out of nothing, then we would be surprised were a king able to do so. We will be heartened to see, then, that Aquinas follows the above statement with an argument that "the second [activity] more properly pertains to the office of a king" (paragraph 98). Indeed, some kings do found cities and kingdoms, and no king can rule unless someone, whether himself or a past king, has founded that kingdom. Thus the great examples of kingship were founders, including Ninus of Babylon and Romulus of Rome. Aquinas also argues that knowledge of governance, requires some knowledge of its creation. If one is to direct something toward its end, then one must know for what purpose it has been established. Thus in some sense to maintain a city is to found it virtually.

Aquinas then proceeds to lay down how the creation of the world illumines the creation of a kingdom. Creation involves production and distinction: bringing something into existence, and distinguishing orders of beings such that they are in harmony with each other. Aquinas cites the Genesis 1 account of the seven days of creation as an example: God not only brings the world into being, but also orders it "fittingly" into heaven and earth, day and night and water and land. The living creatures are similarly ordered within it according to their own excellences: birds for the sky, animals for land and fish for the water, and so on (paragraph 99). Further, man was created so as to have dominion over the plants and animals. In like manner, a king must provide for a suitable site for his kingdom, one conducive to the prosperity and security of his people (paragraph 100). Having selected such a sight, the king must establish where best can be

15 *ST* I 44.2. See Johnson 1989.

placed the various offices and depots that will make the regime run, as well as the most comely places for various trades, law courts and churches. Finally, the founding king must find and shape his people such that can provide for one another each trade and occupation that will serve the needs of the city.

The meaning of this parallel between God and king has a certain limit, one that we have already noted: the king might govern, but he does not create. Thus Aquinas writes: "Of course the founder of a city and kingdom cannot produce anew men, places of habitation and other necessities of life, but inevitably must use those things which pre-exist in nature" (paragraph 100). Thus the king is a kind of craftsman: as the smith must procure iron of an appropriate character and shape it according to the purpose of the product, so the king must form a kingdom through the fashioning of a location, men and resources into a thriving community. He identifies and selects the necessary elements of the city, and then orders them appropriately. Throughout this series of decisions, the founding king must keep in mind the end of the community, attempting to order each aspect of the settlement toward that goal.[16]

It is notable who Aquinas mentions in this section of the chapter as a founder, or rather that he mentions a founder without naming him as such. In many works before and after *De Regno*, Moses is cited as an example, if not the exemplar, of legislators, on par with Lycurgus, Theseus and Romulus. Aquinas does discuss Moses here, but only to introduce the Genesis account of creation: "But Moses has minutely and carefully expressed this plan [*rationem*] of creation" (paragraph 99). Thus Moses emerges in this chapter not as the pre-eminent legislator, but as a witness to the foundational legislation

16 Smith 2010 has a nice discussion of this, especially in rejecting the suggestion of Finnis that "rulers are like "sword-smiths" [who]… make an instrument suitable for other to put to their own good use" (103-4; Finnis 1998, 182). This interpretation of Finnis would have the effect of greatly circumscribing the meaning of *liber causa sui est*.

that is the divine one. What makes him praise-worthy is not his activity, but rather his perception of God's activity in the world.

The danger of portraying Moses as a great legislator is two-fold: that he thereby be reduced to a purely natural role, or that he be given a quasi-divine role. For if he no longer serves God as prophet, then he undertakes his own political activity as a founder. In *The Prince*, Machiavelli lists Moses among great law-givers, but then writes that he will say nothing further of Moses, "as he was a mere executor of things that had been ordered for him by God" (*The Prince* VI.22). Yet Machiavelli famously does say more about Moses. While Moses appears to be a great prophet, Machiavelli praises Moses not for his piety or prophecy inspired by God, but for distinctly earthly virtues: he uses arms well, unlike the unarmed Savonarola (VI.24). Machiavelli tells us that "the actions and orders" of Cyrus, Romulus, Theseus "and the others who have acquired and founded kingdoms… will appear no different from those of Moses, who had so great a teacher." If Moses had a great teacher, namely God, how did these other law-givers perform similar actions and construct similar orders? Were their teachers as wise as God? Or was God not Moses' teacher? Consider that it was "necessary," according to Machiavelli, that the Hebrews be slaves in Egypt, so that they would then follow Moses out of this slavery (VI.23). There is no mention here, in other words, of God's providence and the ways in which God led His chosen people through Moses back to Him. Moses is rather portrayed as a human liberator, for which the servitude of Israel was no tragedy but a great convenience.[17]

Moses appears again only in Chapter XXVI, when Machiavelli compares the contemporary situation of the Italians to that of other peoples, including to that of ancient

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17 Machiavelli would have known, moreover, of the teaching of St. Paul, taken directly from *Exodus*, according to which God Himself hardened the heart of the Egyptian ruler to complete the mystery of Israel's exodus (Rom 9:16-18).

Israel. Machiavelli claims that the Italians at present are "more enslaved than the Hebrews" (XXVI.102). The "virtue of the Italian spirit" that must be summoned forth to liberate Italy, then, requires a virtue at least equal to that of Moses, or perhaps greater: the Italian leader must wrest the Italians out of a slavery worse than that of the Hebrews. Machiavelli seems to elevate Moses as he diminishes him: Moses is again one legislator among many, even if a particularly successful one. For Machiavelli, then, Moses is as a profoundly gifted ruler, one who can shape and form his people as he pleases. Moses shapes his people, moreover, through a law of God that Machiavelli seems to suggest was invented by Moses invented for his own purposes.[18] What Moses is not, however, is a virtuous leader who gives his people God's law, nor is he presented, except in a manifestly deceptively way, as pious or godly.[19] He is what Cesare Borgia should have been.[20]

In the framework of *De Regno* II.2, Machiavelli casts Moses as a kind of creator, a man with a preternatural capacity for molding his people to his will, as the tamer of Fortuna. He is thus a pagan creator or demiurge, one who cannot claim to create ex nihilo, one who could hardly pretend to have replaced the creating deity. Yet through that "creation" Moses comes to a position of great power, almost omnipotence as far as the beleaguered Hebrews are concerned. If one may say that Machiavelli reduces Moses to a purely natural one, insofar as he no longer serves God, one may also say that Machiavelli

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18 Scott and Sullivan, (1994) 898. It has been argued that Machiavelli has Mohammed in mind when writing of Moses in *The Prince*, e.g. Strauss 1958, 84.

19 One might read Chapter XXVI in light of what precedes it in Chapter XXV. There Machiavelli suggests that "worldly things are governed by fortune and by God," and devotes the remainder of the chapter to the question of how great men can control *Fortuna*. The initial pious reference to God simply drops out, and Moses comes to light in Chapter XXVI not to reintroduce the question of God, but as exemplary of the fortune-taming man.

20 Cf. Beiner 2011, 21-8 and Strauss 1958, 68-74, 308, n.32

elevates Moses insofar as Moses attains to a god-like status for ancient Israel. Moses, according to Machiavelli, treats the Hebrews as though they were his own, as though they were there primarily for his own ends. By contrast, Moses is firmly a governor for Aquinas, leading them to God's ends. What makes him a formidable legislator is that he seeks God's wisdom that he strives to be a *minister Dei*. Thus Moses in this passage is presented as a prophet, one who can discern the pattern of God's wisdom in the world. If he is a worthy law-giver, it is because of this power and its fruit.[21]

To be sure, Aquinas argued at paragraph 98 that even kings who do not establish kingdoms must nonetheless envision this act of founding as they govern, for to govern properly entails knowing the end for which something was founded. Moreover, the true foundation of being itself, not just the shaping of this or that bit of being, came to pass because of God's creation. This is the pre-eminent act of foundation, one from which all must learn. Thus even those kings who "found" kingdoms in the conventional sense must envision themselves as governors, not as founders, to the extent that they take their bearings from God's founding action.[22]

This chapter sets up a distinction between creation and governance, a rather abstract discussion for a *speculum principum*. Aquinas however means for this distinction to clarify how man's rule mirrors that of God. Aquinas' teaching herein does not consign all previous political teaching to the dustbin, but rather reforms and purifies it. Founders

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21 Cf. *ST* I-II 105. One might also consider Spinoza's treatment of Moses and prophecy in his *Theologico-Political Treatise*, as well as the discussion of prophecy in the *Leviathan* of Hobbes.

22 Mansfield shows Machiavelli argues in the *Discourses* that the only true beginning is an independent one. Every founding act is pre-eminently abandoning an old way of life, not embracing a new one, for which reason even "native founders," like Romulus, must become foreign to their homeland (Mansfield 1996, 62-66). It is hard to see where God would fit in such an account, never mind discerning the proper order of a regime from His government.

of kingdoms are indeed the pre-eminent kings. But what they do is best done as an imitation of God, an imitation undertaken in the recognition that man's foundation of a kingdom must always be derivative of God's foundation of the world, and in a two-fold sense. First, the activity of the king's foundation mimics or imitates that first act. And second, kings ought to order their own activity such that it serves the end intended by that exemplary creation. Perhaps this discussion and conclusion should not surprise us. We learned in I.8, after all, that kings must govern their kingdoms in conformity with the final end sought through politics: beatitude. It would stand to reason, then, that such kingdoms were founded for that purpose, and that the very being constitutive of such kingdoms was created by God to facilitate man's beatitude.[23] In a sense, what Aquinas has done is connect man's origins with his end.

If these concerns seem distant from modern politics, we would do well to remember the pervasive influence of (often liberal) social contract theories in our time. Hobbes and Locke see a state of nature, whether hypothetical or historical, as the beginnings of political philosophy. The social contract arises to remedy the deficiencies of that state of nature, not to perfect men. Even Rousseau, who envisions a rich pre-political human community, says of his law-giver in the *Social Contract*:

> Anyone who dares to institute a people must feel capable of, so to speak, changing human nature; of transforming each individual who by himself is a perfect and solitary whole into part of a larger whole from which that individual would as it were received his life and his being; of weakening man's constitution in order to strengthen it; of substituting a partial and moral existence for the independent and physical existence we have all received from nature. In a word, he must take from man his own forces in order to give him forces which are foreign to him and of which he cannot make use without the help of others.[24]

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23 This is not to say that all founders conform to this *raison d'être*, or to deny that many cities are founded on blood and injustice.

24 *Social Contract* II.7.3 (Gourevitch trans, 1997).

Even if such stories are not argued about or seriously considered in 21st-century quotidian politics, their picture of political authority as solely coercive, society as artificial, man as but weakly adapted for social living, and the point of politics being something low has certainly retained its currency. Even when the aim of society becomes something quite high, as with Rousseau, that end is in some sense artificial, for the "perfect and solitary whole" of man must be molded into a social being. A politics based upon Genesis, as suggested in *De Regno*, would at least recognize that man does not create, and so he must govern in that humility. Society and its authority are natural, and man is made to live for and with others, not in spite of others, for with others he can become a most noble animal. The world is something given to man, and that his knowledge of it requires a receptivity, not mastery. Not only is the world given to man, but men are not given to other men: they are peers. If men are meant to live harmoniously in nature with other human beings, then the point of their community would surely be more than self-preservation.

There could not be a stronger contrast with the tyrant of I.3-6. He assigns himself the power of life and death over his subjects, and decides on the basis of caprice. He remakes the political order to achieve such power, but never as a founder, for he ruins and perverts rather than creates and orders. Yet when we consider the cult of founders, e.g. Romulus, Theseus, Ninus, it can almost seem that they founded their cities for the purpose of achieving honor and fame throughout the ages, or at least that such cults are maintained to justify the injustices of the foundings of their cities. This is certainly the strong suggestion of Machiavelli. That they built lasting cities whose prosperity redounds to the benefit of each citizen is a very happy consequence, and necessary to preserving the cult of the founder. But if in some sense the founder secures the peace and prosperity

of his people instrumentally, that is, only or primarily as it serves their glory, we can wonder what circumstances lead such founders to seek glory and honor in a way that benefits others, and what would lead them to trespass upon the goods of others if it would bring them similar glory. Perhaps the obvious difference is accidents of birth: Romulus was born among the Latins, and so served them. His attitude to the Etruscans was, for them, fatally different. If living in the city is essential to man, there is still something accidental about the boundaries of that city.[25]

The founder who can be made to turn against his duty to his people could easily become a tyrant. The founder who wants to be remembered as such, however, has an obligation to his people that runs deep. It runs, in fact, centuries after his own death. That is why his office is so divine. If securing the good of a community is more noble than that of an individual person, as Aristotle says, then how much greater a feat would it be to secure the common good of a community for generations? This is what Aquinas points our king toward. Indeed, the Cypriot king is among the first generations of his dynasty on Cyprus. He continues to play a founding role, then, in entrenching and extending the execution of justice. In I.1, for example, we noted that the Cypriot kingdom emerged from the military operations of the Crusades. This led to a fear that the provincia is not simply that a provincia is too large to attain to the excellence of a polis, but that the provincia as a state was valued chiefly for its military capacities. To some extent, of

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25 Even the myths acknowledge something "accidental" about the city's foundations: Romulus and Remus were descended from Aeneas, who came to Italy through the vagaries of the Trojan War, culminating in his shipwreck, and the brothers themselves were conceived through the unlikely congress of a virgin and a god, raised by a wolf and fortuitously rescued by a shepherd family. It is perhaps worth noting, then, that Romulus killed Remus over a dispute as to the meaning of the auguries by which they were to be directed in the construction of Rome. In other words, the very founding act of Rome was an attempt to control the mythical authority of their city-building (Plutarch, *Life of Romulus* 9.5-10.1.)

course, Aquinas promises just such a dynamic: each kingdom comes together out of the contingent circumstances of human history. But will the rulers of the place recognize that the causal foundation of the kingdom is God's creation of the world? Will they recognize that, whatever the vagaries of the kingdom's founding, the end of the kingdom must be serving God?[26]

CHAPTER III

Chapter 2 lays out a distinction between creation and governance, and then explores in detail the activity of creation. In Chapter 3, Aquinas turns to governance. As he has told us that governance more properly relates to the office of kings than does creation, we can expect this chapter to have more to say about the duties of kingship than did Chapter 2. But after an introductory paragraph promising just this, Aquinas again appears to change the subject: "It must first be considered, however, that to govern is to lead that which is governed fittingly to its proper [*debitum*] end" (paragraph 103).

Aquinas explains that there are two kinds of ends: an end beyond the thing governed, and one whose end is in itself. An ocean-going ship, for instance, has an end beyond itself, namely the port. Yet the ship also has an internal end: to be a ship. It is therefore the office of its governor, the pilot, not only to preserve the integrity of the ship as it was made, but also to conduct it to the port. Something whose only end is within itself would only need to be governed insofar as it required preservation, for it would need no external principle to obtain what is already intrinsic to it. There is only one such thing that has its end within itself: God. This might be taken to suggest that only God can

26 Thus later Aquinas considers piety to be a species of justice (*ST* II-II q. 101).

be the final good of things, for everything else has some good external to itself. It also raises a question: how is something brought to its external end?

Aquinas does not, however, linger on the example of God. Among those things that must be directed to an external good, in some cases they can be ruled by two or more governors with different responsibilities for them. Most obviously, there could be a governor with the office of preserving them, and another with the office of conducting them to their extrinsic end. For instance, one might think of a carpenter as tasked with maintaining the being of the ship, and the aforementioned pilot with conducting the ship to the port. This is the case with man:

> Now if man were not ordered to another external good, the aforesaid cares would suffice for man. But there is a certain good extrinsic to man so long as he lives mortally, namely final beatitude, which is looked for [*expectatur*] in the enjoyment of God after death… Therefore the Christian man, for whom that beatitude was purchased through the blood of Christ, and who has received the pledge [*arrham*] of the Holy Spirit in order to attain it, needs another, spiritual care through which he is directed to the port of eternal salvation. This care is held forth to the faithful by the ministers of the Church of Christ (paragraph 105).

Aquinas packs a great many lessons in this short text. Man has an end beyond himself: final or ultimate beatitude, which is to say, perfect happiness. Thus, the "aforesaid cares," referring to those of the leader of a regime, are not sufficient to lead man to that end. His attainment to that end requires the direction of the Church. It is, moreover, a Church guided by the supernatural both in its activity and in the very revelation of this truth. Thus man would seem to have two masters: an earthly ruler and a spiritual one. There is some sense, then, in which the royal regime we have discussed from the prooemium is inadequate to the final happiness of man. If the intrinsic end of man were the only end to which society were ordered, whether it be health or wealth or

something else, than the government of the prince would suffice to conduct society toward that end.

Aquinas does not, however, move on to say that men in society act for external good X, and so should be governed by some power with care for their direction toward it. Rather, he pushes the question of what internal end men seek in society.

> It seems, however, that the end of a multitude gathered together is to live according to virtue. For men gather so that they may live well together, which the individual man living alone could not attain. The good life is in accord with virtue; the virtuous life therefore is the end of human congregation…. If men gathered merely for the sake of living, then animals and slaves would form a part of the civil congregation. If men gathered for the sake of acquiring wealth, then all those who traded together would belong to one city. Yet we see that only those who are directed toward living well by the same laws and the same government are reckoned [*computari*] in a multitude (paragraph 106).

This section seems to recapitulate I.1 and I.8. That man must live in society to attain to his virtue is an essential aspect of the teaching that man is a political animal. Aquinas thus speaks of the good life as *secundum virtutem*, according to virtue. Here he has in mind no particular virtue, but the general excellence of man, the *aretê* of Homer. One must know why man lives in society, Aquinas urges, for this will determine how one conceives of the city. If the city is a place to maintain bare life, then it is no different from the bee hive: brute survival requires instinct, not man's reason.[27] If the city is merely a place to trade, a glorified market, then citizens would be merely producers and consumers, and the city would seek no more than to secure their property. The citizens of a city aiming at virtue, however, live under a government of laws that direct them to living well. We note also that this section contains Aquinas' very first reference to law in

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27 Of course Aquinas means to suggest at I.1 that man's instincts are inadequate to his survival. But society does not arise only to meet these deficiencies.

De Regno. It might seem a minor reference, but notably citizens live under the same law, and that law directs them to virtue. Thus law shapes citizens, and citizens of a particular regime are shaped by the same law. Law itself comes from a government, but arises from the necessity to live well, and thus is only as good as a regime's knowledge of and service to man's end of virtuous living. Thus regime would seem to be a central category of Aquinas' analysis.[28]

The life of virtue, then, is an internal good for man and an intrinsic end of society, although it depends upon external conditions. As the point of a ship is to be able to be a ship do what ships do, so the carpenter keeps the ship in sailing condition. All the more must the ruler of a society ensure that the laws of the regime promote the excellence of his people. In reading through II.3, we have not been surprised that Aquinas would posit for man an external end: we learned in I.8 that man's end is beatitude in God. What has not been quite clear, however, is the relation of beatitude to the virtues that are the excellence of the perfect king at I.8, and the lack of which is the great deficiency of the tyrant in I.3-6. Aquinas shortly goes on to explain this:

> Yet because man through living according to virtue is ordered to a further end, which consists in divine enjoyment, as we have said above, it is necessary for a human multitude to have the same end as one man. It is therefore not the ultimate end of an assembled multitude to live according to virtue, but through the virtuous life to arrive at divine enjoyment (paragraph 107).

Man, like the ship sailing to port, seeks not only an end internal to himself, but also one external to himself, namely beatitude. Society is similarly ordered to this end. Aquinas chooses his words carefully: *homo vivendo secundum virtutem ad ulteriorem finem ordinatur*. Virtue may be the final or ultimate end of society, but it is not the final

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28 Cf. Guerra 2010, 66-70 and Strauss 1953, 138 et seq.

or ultimate end of man.[29] It seems that virtue would be an end of society regardless of whether beatitude had been offered to man. Man attaining to the virtue of man, after all, fulfills what it means to be man, much as the ship must be a ship (103-4).[30] In this sense, then, virtue is not an end merely instrumental to the final end of beatitude. But virtue does somehow conduce to the attainment of beatitude, for "through living according to virtue" man is "ordered" to beatitude. The word "ordered," *ordinatur*, does not mean that virtue itself secures beatitude, much as an arrow does not hit its target simply because the archer aims the arrow at that target. It might be better to think of politics as a "secondary efficient cause" rather than instrumental, as Maritain would say. The life of politics is not merely "instrumental" to the supernatural life man seeks; yet in Aquinas' picture the life of virtue pursued in politics is complementary to the external good of beatitude.[31] To press the point, if "civil religion seeks to instrumentalize religion on behalf of political purposes," it does not follow that any attempt to invert this order of priority necessarily leads to a theocracy whereby religion instrumentalizes politics.[32]

Aquinas explains that the king would govern man toward beatitude "if this end could be attained by virtue of human nature", but in fact it cannot (paragraph 108). For the loftier the end of government, the loftier that government. And when one government serves a final end, then other governments that serve ends conducing toward that final

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29 Or, perhaps natural virtue is the final end of man *qua* part of the whole that is society, but not *qua* intellectual and therefore whole being. Gardner 2011 raises many questions that would require answering to know Aquinas' position on the matter.

30 One can see from the Genesis account of creation that man and his activity are good, and that God recognizes this, quite independently of whether God then later raises men to *beatitudo*. Cf. *Laborem exercens* §4.

31 Cf. Maritain's *Freedom in the Modern World*, 105-7; Dewan 2000 and Pakaluk 2001 (discussed by Smith 2010, 101-105)

32 Beiner 2011, 309; emphasis in original. This is not Beiner's point, although he makes clear with his frequent references to "true" theocracy that the bar for what counts as theocracy is rather high.

end are subordinated to that final government. Note that Aquinas does not argue here that any government higher than another directs that lower one in all things, but the more restricted proposition that the higher one "commands those who execute the things that are ordained to that end."[33] The government that tends to man's final end, however, is not that of the king, but of the God-man king: Christ. By making men sons of God, and by virtue of His eternal dominion over man, Jesus is not just a priest, but a king.

> Therefore the ministry of this kingdom, that spiritual things might be distinguished from earthly things, was committed not to earthly kings, but to priests, and especially to the chief priest, the successor of Peter, the vicar of Christ, the Roman pontiff, to whom all kings of the Christian people [*populi Christiani*][34] are to be as subject as to Lord Jesus Christ Himself (paragraph 110). Therefore to him to whom pertains the care of the ultimate end should be subject those to whom pertains the care of antecedent ends, and be directed by his command [*imperio*].[35]

Kings do not govern this spiritual kingdom, for to do so would confuse the spiritual and the earthly. Therefore priests are entrusted with this mission, and all kings are subject to the head priest, the pope. Aquinas refers to them not just as kings, but as "kings of the Christian people." The necessity for distinguishing between "spiritual things" and "earthly things" is not difficult to see. Most obviously, this distinction is necessary because they fulfill different ends of man. The earthly king cannot fulfill man's final end

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33 This argument appears to concord with Aquinas' famous claim at II *Sent* 44, according to which powers derived from the same source are ordered to one another only insofar as the end of the superior specifies. For instance, the temporal power is ordered to the supernatural one only insofar as the temporal end directly conduces to the spiritual end (Boyle 2000). We will return to this consideration in Chapter 5.

34 *Populus Christianus* is often translated by the ubiquitous "Christendom."

35 "*Sic enim ei, ad quem finis ultimi cura pertinet, subdi debent illi, ad quos pertinet cura antecedentium finium, et eius imperio dirigi*." Note that the syntax emphasizes the governor with care for the ultimate good, placing the political subordinate governors in a distinct subordination to him.

of beatitude, because grace is required to do so. Thus the Church has been given the grace to govern man toward beatitude. The necessity of separation, then, rests perhaps more on theological grounds than on any political reason. Perhaps our king can more easily accept this loss of power because it seems to have a spiritual rather than a political motive.

It should also be clear that the king's duty to propagate "living according to virtue" is no mean feat. This has been the point of the exposition on tyranny (I.3-6) and the great reward of the king (I.7-9). One might think that kings have plenty to do without serving as priestly mediators of God's grace. Kings as rulers of communities have a natural function, readily apparent to reason alone. The distinction of a separate power to govern man toward a separate end, then, in some sense is a confirmation of the role that kings already perform. Aquinas does not argue that the appearance of a grace-given end for man renders the governance of man toward his natural end as worthless or meaningless.

Even more so, however, we have seen in *De Regno* what is readily apparent to the most amateur student of history: kingdoms come and go, the seeds of decay planted within their own foundations. Even proverbially eternal polities, such as Rome, suffer many deaths. If the kingdom of God is really to be eternal, then it would do well not to associate itself too closely with the passing and corruptible, but, as far as possible, to form a regime that in human terms endures or is the visible expression of what endures. Perhaps this seems a modern, post-Vatican II position, but in fact it is well supported by Aquinas' own considerations. What has Aquinas done, after all, but emphasize the ephemerality of regimes?

Most curiously about this section, Aquinas does not start by asking why the temporal and spiritual powers are separate and distinct, nor does he begin by asking which power is superior. The powers, rather, arise out of the ends of man, an inquiry that

Aquinas began at I.1. And the superiority of one power over another is not based upon that power as such, but the end that it serves. In fact, for most of *De Regno*, Aquinas has spoken of only one end of man, and has argued that ends matter to politics. This was his sleight of hand at I.8, when he showed that what one would want to get from politics, even what the tyrant would want, would be incomplete without considering what fulfills man's end. He has, in turn, said little more about its governance other than that it belongs to the king to direct man to his end. And this would be all that need be said "if man were not ordered to another, external good" (paragraph 105). He thus avoids, it seems to me, defensive positions according to which one power is superior without articulating the proper coordination of man's ends, or whereby the two powers have no point of contact a priori, thus foreclosing discussion on the identification and coordination of man's end or ends. One can, of course, disagree with Aquinas at any step in this argument. Yet the manner in which he lays out his argument is a great strength for rational debate.[36]

A word might be necessary about this "Christian people." For what is their status vis-à-vis these kingdoms of temporal rulers? For all the national divisions in Europe continuing to form the nation-state in Aquinas' own time, this account of the pope at the apex of spiritual power is one of a vision of one people, name the children of God. Curiously, Aquinas does not specify that the pope has supremacy in matters of faith or spiritual things. He simply states that "to him all the kings of the Christian People," and thus presumably the people themselves, "are to be subject." The pope would seem to be a symbol of their unity.[37] But what kind of unity? Aquinas has already urged the importance of the regime. But he has also implied its transitory nature. Does this *populus*

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36 Hittinger makes a similar point concerning the polemical use of natural law (Hittinger 2003, 3-37).

37 Cf. Eschmann 1949, 62, fn 15. Manent 1994, 3-9, for the problem of the universalism of Empire and Papacy.

Christianus undergird regimes? Perhaps this could be a salutary aid to governance, but it would also mean that this *populus* would be in some sense more fundamental than any regime. Would such a doctrine not diminish the importance of the regime, denying its claim to be fully self-sufficient?

Such considerations underline our problem: what arrangement does this doctrine prescribe for a regime? Aquinas opened Chapter II, after all, with a promise to discuss how a kingdom ought to be governed. Will he disappoint us yet again, as he seemed to at I.6 and II.1? Perhaps not, as Aquinas next turns to the character of this priesthood.[38] Aquinas speaks first of the "priesthood of the gentiles" (paragraph 111). That priesthood and "the entire cult of [their] divinities" served nothing more than acquiring temporal goods, all of which were ordered to the common good.[39] Thus that priesthood and cult were governed by kings. This discussion might call to mind Aquinas' discussion at paragraph 72, in which he notes that ancient peoples often saw something godly or divine in their kings, and singles out the Roman emperors' appellation *Divus*. Aquinas' point there was to illustrate the testaments in even pagan societies to the likeness between king and God that he wants to advance within a Christian teaching. Now if we take Aquinas' further suggestion here that many ancient kings had cultic duties and were in some sense at the head of the priests, then we can see all the more why a king would seem god-like to his people. After all, these cults were chiefly dedicated to the temporal advancement of the kingdom. The head of the cult, there, would naturally be that society's prince. Besides ancient peoples praying in earnest for fair weather, good crops and peace, we know that

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38 I owe much in the following discussion of paragraphs 111-113 to Gilson 1948, 209-216. Gilson points to the necessity of a comparative study of *De Regno* and the *De Monarchia* of Dante.

39 Aquinas speaks of *divinorum*, *divinus* being a less direct word than *deus* or *deitas*. He acknowledges that pagans took certain powers to be sacred without equating them with Christianity.

many such cults evolved into "civil theologies" whose purpose increasingly became to grant legitimacy to rulers and laws, to bind the people to the land and their ruler by a set of mythic norms that some rulers were at times rather cynical about propagating.[40] Whatever their sincerity, Aquinas here recognizes that such cults were instituted by man's hand for man's natural needs, and to satisfy his most pressing concerns of life and death. They are also ergo fittingly directed by the leader of man's community.

Aquinas then turns to priests under the "*lex vetera*," or Old (divine) Law. This was the law that God gave to the ancient Hebrews, especially to form their community in Palestine.[41] The priests of the Old Law were also subject to the Hebrew rulers, whether judges or kings. The Old Law, after all, promised to secure the peace and prosperity of the Hebrews. It promised to educate them, in other words, in "earthly goods." This was a salutary provision, and indeed divine instruction. But with this law the community was directed to goods they could attain by their own reason, even if God's word was helpful to pointing out what they needed and specific contingent formations of their society.[42] Thus in this respect the regime of Moses was indeed earthly. But the conclusions of Machiavelli and Spinoza go farther than can be warranted.

As went the Old Law, though, so went its customary modes of governance. For "in the New Law there is a higher priesthood by which men are carried [*traducunter*] to celestial goods" (paragraph 111). Aquinas often uses the language of *duco*, *ducere* to

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40 Rousseau argues in the *Social Contract* that lawgivers attribute laws to divine origins so that what the people lack in rational apprehension of his wise dictates, which in any event many not be so wise, they may gain in awe and respect for their authority (II.7.9-12). Thus "at the origin of nations the one [religion] serves as the instrument of the other [politics]," (II.7.12). Compare this to Hobbes' doctrine at *Leviathan* I.12 according to which religion explains unknown causes.

41 *ST* I-II 98-105

42 *ST* I-II 114.10.1

speak of direction or governance. But here Aquinas uses *traduco*, from the compound *trans-duco*, and in the passive voice, as in to be borne or carried by another. Such nuances might seem insignificant were this not the first use of a word whose root, *duco*, has been used many times in the active voice hitherto. Indeed, this section reinforces Aquinas' earlier points. The priests mediate grace so that man can do what he could not do by his own natural faculties, namely attain to beatitude. The primary element of this dynamic, then, is that man is given this grace and is rendered capable of acting upon it, not that he accepts this grace and acts upon it. Instead of the priests serving the earthly needs of the city, these priests grant men access to an end beyond the earthly one. Thus, "in the law of Christ, kings must be subject to priests." The king retains a special office in ordering the earthly to this heavenly end, but he must take direction from those with care for man's final end. The great shift in this priesthood, then, is not one of subordination to superiority, but of man to God. The shift thus indeed represents a change, but not an inconsistency between Christian and pre-Christian modes of politics.

This section of II.3 fascinates us in part because Aquinas gives persuasive arguments to justify what we now call civil religion or civil theology.[43] He grants their validity in other orders, offering reasons for thinking that they effected salutary arrangements in other times. What Aquinas proposes, however, is the sweeping away of these ancient and pervasive orders: distinguishing clearly these two ends of man, identifying the two governments that lead man to them and fixing the hierarchy of those governments based upon the hierarchy of their respective ends. But in acknowledging that such civil religions exist in many times and places, and have existed to such benefit,

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43 It is the most direct and "pungent" discussion Aquinas undertakes on civil religion, as Russell Hittinger has helpfully pointed out. Moreover, this section offers an excellent point of comparison between the thought of Aquinas and Augustine, for whom the critique of Roman civil religion was so integral to the argument of his *City of God*.

Aquinas seems to admit that such civil religions are likely to endure after the arrival of Christianity. From a purely earthly point of view, then, we might add another reason for why this new priesthood of Christianity ought to be separate from the political order: the New Law will not be accepted in all places and all times, and in some cases political power will have a vested interest in maintaining older forms of religion that serve under Caesar. Thus the supra-political basis of Christianity must be firmly emphasized.

But it could also be necessary to address another problem, namely the attempt to reduce the Christian Church to a part of the state, one serving the terrestrial benefit and no more. Such a dynamic represents not a rejection of Christian doctrine, but a partial one according to which at least some aspect of the new religion is accepted but under the guise of the old forms of subjection to political authority. This partial acceptance could range from a conservative "Crown and Altar" or divine right of kings vision, as with de Maistre, to a liberal one in which a simplified church or religion legitimizes certain visions of a tolerant and egalitarian society, as with Spinoza or Rousseau.[44] The fear of such false accommodations or rejections is only an argument for the priests being distinct from political governance, not for them being superior to the governor, but such a distinction would be necessary for claiming the superiority of the Church.

Aquinas closes Chapter 3 with two seemingly mundane historical examples: Rome and France. This is how Aquinas raises the example of Rome:

> Because of this Divine Providence wonderfully provided that in the city of Rome, which God had foreseen would be the principal seat of the Christian people, the custom was gradually established that the rulers of the city should be subject to the priests. For as Valerius Maximus relates: "Our city always placed religion before everything else, even those things in which it aimed for the splendour of the highest majesty to be seen. For this reason the imperial did not hesitate to serve the sacred [*non dubitaverunt sacris imperia servire*], considering that they

44 See Murray 1949 for de Maistre

> would thus hold the regime of human affairs if faithfully and constantly they attended to the divine power (paragraph 112).[45]

Valerius flourished under Tiberius, and this city that "always placed religion before everything else" is imperial and pagan Rome.[46] The example of imperial Rome is important for at least two reasons. First, it shows that even pre-Christian Rome had a sense of the importance of religion. This awareness of the pre-eminence of religion was strong enough to arise even in a city for which religion was tightly fused with politics: the emperors were treated as gods, and the civil cults were conducted not only in terms of their temporal benefits, but as goods in themselves.[47] Such recognitions of the connection between kings and God, as Aquinas enumerated at paragraph 72, can become obstacles to seeing the necessity of the Christian ordering of the temporal and spiritual (paragraph 111).

Second, because Aquinas invokes imperial rather than Christian Rome, the point he stresses is not the typical one, and by invoking imperial Rome he clearly elects not to stress that typical one. Indeed, the progression from pagan societies to the Old Testament and to the New Testament might lead one to suspect that a contemporary example from Christendom would be in order. The king could well have expected to hear that in Rome come together the two powers, spiritual and temporal, in the person of one ruler, namely the pope. The pope sits at the apex of spiritual and temporal authority, and his temporal authority extends well beyond those territories of central Italy that he directly controls.[48]

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45 In the quotation of Valerius Maximus I abandon entirely Eschmann's translation, instead borrowing from that of Blythe.

46 Valerius Maximus, *Factorum et dictorum memorabilium*, I.1.9.

47 Cf. Machiavelli's *Discourses* I.11-15, which should be compared to I.19.

48 A point Aquinas does earlier choose to make in his *Commentary on the Sentences* (II d. 44 q. 2 a. 3).

He has the power to command any Christian ruler, with a special care for the chief temporal ruler, the Holy Roman emperor. This was the point of Henry IV's humiliation at Canossa: he literally made himself humble [*humilis*] before his superior, Pope Gregory VII. The Emperor had resisted the Pope's efforts to reform the Church, but incredibly sought forgiveness after being excommunicated, walking barefoot and in a hair-shirt to publicly apologize to the Pope in 1077. But Aquinas invokes neither this theory nor this history. Aquinas instead chooses to emphasize that with Rome emerges the fundamental ordering of the spiritual and temporal, with the spiritual superior to the temporal.

Why not discuss Christian Rome? Perhaps Aquinas means to avoid controversies surrounding the extent of the pope's temporal power. After all, in later theology the claim that the spiritual had some superiority to the temporal was made to stand or fall with the supremacy of the pope in temporal affairs. One such teaching comes from John of Paris, or Quidort, which is notable if only because Quidort is sometimes said to be the first Thomist.[49] Quidort's theory sets this conjunction of the temporal and spiritual power of the Papacy as the great question of his theory, and finds that the pope has no such conjoined authority. From this he concludes that the pope has no temporal authority, and therefore that the spiritual authority of the popes has no meaningful superiority over the temporal.[50] In fact, Christian kings may control the pope as ancient cults were by pagan

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49 Quidort joined in the defense of Aquinas during the heated debates shortly after Aquinas' death, but it is doubtful that his own work conforms to that of Aquinas (Griesbach 1959).

50 See *De potestate regia et papali,* Chapters 3, 7-13. The above Griesbach is the best account, with several sourcebooks, including, surprisingly, 402-3 of Fortin's introduction to the excerpts in *Medieval Political Philosophy* (Lerner and Mahdi 1972), making reference to neither the unique argument of Quidort nor his lack of congruence with Aquinas. (It is to be regretted that Ernest Fortin never conducted a study of Quidort.) Note however McCoy 1963, 123-126, wherein McCoy links Quidort to Marsilius of Padua and his *Defensor Pacis*.

kings. Further, Quidort assumes the power of temporal kings based upon a kind of proto-state of nature account, and he never raises the question of man's ends, their coordination, and whether the Christian revelation gives us reasons to revisit what we might have assumed about them.[51] Most interestingly, it does not seem to occur to Quidort that even in pre-Christian cultures, including imperial Rome and ancient Israel, the problem of how the spiritual relates to the temporal was also an important aspect of political arrangements, as Aquinas has pointed out. So Aquinas' approach wisely distinguishes between such matters.

In other words, if Aquinas seeks in *De Regno* to avoid controversies as to the pope's temporal power, then that is not to say that he is not interested in engaging in a serious discussion of that matter. And, as we have seen, if Aquinas does not directly broach the problems raised by Christian Rome, he has given the king guidance as to how to think about them, and reflectively rather than polemically.

France, the Elder Daughter of the Church, figures as the second example. It is again the condition of the country prior to Christianity that interests Aquinas.

> Since, however, it was to be that the religion of the Christian priesthood should especially thrive [*vigeret*] in Gaul, God permitted that among the Gauls the gentile priests, whom they called Druids, should prescribe [*definirent*] the law of all Gaul… (paragraph 113).[52]

France's ancient precursors, the pre-Roman Gauls, saw the wisdom in subordinating the temporal to the spiritual, at least insofar as they recognized a priestly solicitude for their laws. The claim is relatively modest, then: not that gentile priests were theologian-kings or undisputed in temporal authority, or even that such ancient societies clearly

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51 *De Potestate,* Chapters 1-2

52 Perhaps Aquinas refers to France as "Gaul" to link it to its ancient Celtic piety.

distinguished between temporal and spiritual matters. In fact, Aquinas' earlier claims make it clear that such cults dealt largely in immanent matters and ordered their priestly class to the king. Yet however inchoately, the relation of priest to ruler in Celtic Gaul foreshadows the Christian teaching on the superiority of the spiritual to the temporal, a claim made on the basis of wisdom rather than power.[53]

Rhetorically, this is a brilliant manner in which to teach our king. In the time of Aquinas and our royal reader, France had become a hotbed of anti-Roman sentiment. As the Holy Roman emperors became increasingly weaker, the French kings took up the mantle of temporal power, claiming the right to appoint and control bishops of French dioceses, farm revenues from Church properties, and had little truck for papal objections.[54] In other words, the French came close to founding a Christian civil religion, and we know now that France became a leading center of the so-called "divine right of kings" theory in the early modern period. These controversies came to a head shortly after Aquinas' time, with Philip IV (*le Bel* or the Fair) against Pope Boniface VIII and then Clement V. King Philip was notably aided in his arguments against Rome by two theologians who were sometime-students of Aquinas: John of Paris (Quidort) and Guillaume de Nogaret.[55] We can thus wonder about the effect this teaching on France's history would have on the Cypriot king, coming as he did from a baronial family in

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53 The Druid case is a counter-example to Rousseau's claims at *Social Contract* IV.8.1-4 that only with Christianity came a subordination of the temporal to the spiritual. Rousseau is correct, however, that among ancient cities gods were in the main confined to a particular city. Aquinas does not directly address herein the crucial fact behind this shift in orientation, monotheism, except insofar as it is the one and true God who create the one people of the true Faith, the *populus Christianus*. Cf. Assmann 2010, 31-56 (but see Ratzinger 2003, 210-230).

54 Cf. Moody 1953 and Sturzo 1939

55 Brown 2012

western France with close ties to the Capets.[56] It would be all the more striking given his dynasty's new situation in Cyprus: possessing a tenuous and military hold on their kingdom, they were after all there in the first place for the supremely spiritual mission of freeing the Holy Land, never mind their dependence on the erudite Dominicans for the administration of that kingdom.[57]

In short, this has been a rich chapter. In many times and places, man has recognized some correspondence between himself and what is beyond the merely terrestrial or temporal. This correspondence has some significance for his communal life, as well. His search to understand this correspondence, therefore, has not been a private activity or individual hobby, but a public activity of the community itself. Philosophy can give flesh to this intuition, as Aquinas showed at I.7. Further, Christianity reveals this natural desire to seek our end as fulfilled in God. The desire to know God may be natural, but its fulfillment is supernatural, or above nature. The king leads man toward beatitude, but he does not secure it as such.[58] What is new with Christianity, then, is not just an identification of man's spiritual end, but a government by which to govern men toward

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56 Hill 1948

57 The Dominican Order itself had a tumultuous relationship with the Empire and the Papacy, in many periods favoring the Empire (Eschmann 1958, 189-90). Aquinas might have sought to avoid joining this fray, or perhaps rather joins it insofar as he offers the possibility of a more reasoned and dispassionate account of the problems plaguing the Europe of his time.

58 Thus there is a distinction but also complementarity between "nature" and "supernature" that is perhaps better expressed by "nature" and grace" (Torrell 2009, 155-88).

it.[59] A distinct spiritual government, the Church, conducts man to a distinct end, beatitude.[60]

But consider this possible problem. Book II, we saw, finally turns to the practical considerations of a king's reign. Chapter I distinguishes between God's creation and governance of the world for models of royal governance, and Chapter II sets out how the former aides the king in his task. Chapter III naturally follows with a promise to set forth how our king may learn to govern by studying the divine government of the world. Yet Aquinas then writes: "It must first be considered, however, that to govern is to lead that which is governed fittingly to its proper [*debitum*] end" (paragraph 103). We are then led to a consideration of the distinct ends of man, and the distinct powers that govern man toward those ends. As Eschmann suggests, this discussion, as absorbing as it has been, does not seem to answer to the putative purpose of the chapter. It has been yet another digression.

The digression, then, would consist not in teaching the king how to govern from a consideration of God's governance of the world, but rather in distinguishing the ends of temporal and spiritual government. This is not the teaching we were expecting, and surely not the one the Cypriot would look toward after chapters of anticipation for some concretely useful guidance. This chapter, however, has provided an elaboration on the significance of the *minister Dei* concept for the king's governance, because we see that the temporal power is to be subordinate to the spiritual. We might think that Aquinas means to make of the king a *minister Ecclesiae*. For the ends are not just distinct: the

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59 Eric Voegelin seems to attribute the distinction between the temporal and spiritual to particular and contingent formations of Christianity. See Niemeyer 1992 and LeQuire 2011 on the ambiguity of Voegelin's thought on Christianity.

60 Cf. Strauss 1953, 144-5, especially Strauss' suggestion that "even this crucial modification of the classical teaching was in a way anticipated by the classics."

spiritual is superior to the temporal, and the temporal is antecedent or intermediate to the spiritual. There is not just a distinction of ends, then, but a hierarchy of ends. Yet what kind of arrangement is actually proposed? Must a community's temporal authority simply avoid contradicting the law or activity of the spiritual? Must it actively serve it? An entrée into such questions might start by asking what it means for man's temporal or earthly end to be antecedent or intermediate [*antecedentium*] to man's eternal or heavenly end. The end of baking bread is antecedent to that of making a sandwich, but not in the same way that the end of learning the alphabet is to learning how to read. Similarly, while we recognize that certain authorities have final power over others who perform tasks subsidiary to their own, there is a range of such relations, from the construction supervisor who directs the electrician to wire a house, but does not know how to do such things himself, and so can only judge the activity of the electrician in light of its effect on his own task, to the professor who is finally responsible for every activity of his teaching assistant, to the point of re-performing his TA's assignments himself if they go awry.

Beyond the question of how these powers are to be ordered and how the king ought to comport his rule to the Church, we might revisit this intriguing concept of the *populus Christianus*.[61] Is the king responsible in some sense for constituting that people or some portion of it? Must he seek its unity with other kings, as might seem to be the case with the Holy Roman emperor? Or is this primarily the task of the Church? Perhaps the Church somehow aims to rule the *populus Christianus* with little regard for that same people as citizens of diverse states? How are kings of several and diverse regimes to accommodate their laws to a Church that aims to rule men without distinction as to the character of those regimes? This would likely put uneven burdens upon kings, as the

61 Voegelin notes that this *populus Christianus* raises a doubt about the perfection of the *polis* (Voegelin 2000, 218-20). It certainly separates the question of natural right from the best regime (Kries 1993, 222-5).

Church's law would be more and less like those of different kings. In other words, would the principle of universalism inhering in this *populus* be a force for stable harmony in politics, or a chaotic and disordering one?

We might finally note the significance Aquinas grants to the New Law, or the Gospel. It is through this revealed teaching that man is shown to have two ends, and moreover that the supernatural is man's final end. As we saw at I.7, one might be able to see that no reward on earth is adequate to man's highest faculties, and man might spend his days in despair over finding such an end. Yet Christianity, Aquinas says, claims to reveal this end. It is furthermore through this law that the governor of man toward this end is revealed: the Church. We might not know the precise arrangement of the king and the Church, but we do know that we need to know the necessity of such an ordering. In other words, the king needs to know that his rule does not extend to the spiritual. The king must know that rather the Church supplies the government, and that somehow their diverse ends must be reconciled. These teachings can only be had from the revealed teaching of Christianity.

CHAPTER IV

Aquinas begins II.4 by synthesizing what he has argued throughout II.1-3. Yet because thus far Book II has underlined what the king cannot do, namely lead his people to beatitude, this synthesis appears to be also a re-formulation, for it emphasizes what the king should do. As man's earthly life is ordained to his celestial life, Aquinas now argues, so the goods of his earthly life are ordered to the common good of his community. This point was discussed in I.1-6, or at least it was established that man's goods cannot be used against the common good. This leads to an important basis of the king's temporal authority:

> If, then, as we have said, who has care of the ultimate end ought to take precedence over those who have care of things ordained to that end, and to direct them by his command, it is clear from what has been said that the king, just as he ought to be subject to the lordship and regime administered by the office of priesthood, ought to take precedence over all human offices, and order them by the command of his regime (paragraph 114).

In II.3 Aquinas made a point that could be difficult for our king to accept, namely that his rule ought to be subordinate to that of the Church. Yet the same principle grants the king responsibility over those earthly things that tend to the benefit of the common good: he rules them. For if he is to lead the people to their end, then he must be able to order the goods of society to that common end. If the priesthood rules the king, the king rules those below him. We might think that, being prepared by the great reward of the task at I.7-9, he is willing to accept this role.[62]

But what is the character of this rule? Aquinas explains this further. When one performs an activity whose end serves a higher end, one must ensure that one performs that activity or preserves that end in such a way as to conduce toward that further end or activity it serves. The builder, for instance, does not construct a home in any fashion that strikes his fancy, but constructs it such that in general "it is apt for habitation," and particularly such that it meets the needs of its future inhabitants (paragraph 115). We have seen, moreover, that the end of the community is ordered to something beyond it, to beatitude. The rule of the king that secures the end of that regime, then, must be such as to conduce to beatitude. The end of the community, we have been told several times, is the "life according to virtue" (paragraph 106-7) or "living well" (paragraph 114).

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62 Boyle offers a similar interpretation of this passage, urging that it is "in the best dualistist tradition," and notes that Eschmann 1958, who develops a distinctly hierocratic interpretation of *De Regno*, makes no mention of this passage (Boyle 2000, 6).

> Therefore, since heavenly beatitude is the end of that virtuous life we live well at present, it pertains to the duty of the king to procure the good life of the multitude in such that it suits [*congruit*] the attainment of heavenly happiness, that is, he should order those things which lead to the happiness of Heaven and, as far as possible, forbid their contraries (paragraph 115).

We now have an answer to the question of II.2 as to what the king promotes. He does not govern men finally to beatitude, but to the life of virtue, which somehow conduces to beatitude. But precisely what mode of virtuous living congrues with beatitude? How is the king to know it?

> From divine law is known the way [*via*] to true beatitude and what are impediments of it, the teaching of which pertains to the office of priests, according to Malachi [2:7]: "The lips of the priest shall guard knowledge and they shall seek the law from his mouth"… Instructed by this divine law, therefore, [the king] ought to attend to this principal concern, how the multitude subject to him may live well (paragraph 116).

Divine law is needful for good governance, for the king learns through *lex divina* what leads to beatitude and what prevents it. Of course there is still the question of what precisely among such things he is supposed to perform. We do know one reason why kings must consult *lex divina*: to know what they must not do. Recall the teaching of paragraph 111 in II.3 according to which the traditional subordination of priests to kings must be reversed, as must be the concomitant ordering of cult and liturgy to statecraft. It is an innovation of Christianity, Aquinas tells us, that the king should not only be beneath the priest, but also, more basically, distinct from the priest: there is no *Imperator Divus*, Amun-Ra or king-deity who mediates or incarnates the Godhead. Thus the king, just like Aquinas himself, must consult the *lex divina nova*, the new divine law, for a principled justification of the division of political and spiritual authority.

One might object that this information only sets the terms of the problem we must solve. We do not know what Aquinas expects the king to do because the duty of the king has been stated in negative terms: he is not to govern them toward beatitude, but to govern them toward some kind of virtuous life that would conduce to beatitude. If this is a negative teaching, however, it is yet an important one. Aquinas gave our king the history lesson at paragraphs 111-113, we might think, at least in part to make clear how pervasive civil religions have been and will continue to be. Yet this objection also brings home the crucial point of II.4: the knowledge the king need seek is not finally in *De Regno* or any *speculum principum*, or, indeed, in the Justinian Code, Aristotle's *Politics*, Gratian's *Decretals* or any such book. The knowledge the king must seek is in the Bible. In some sense, then, II.4 is a transformation of the teaching of *De Regno*: just as I.8 claimed to give the king the great wisdom he needs to govern, so II.4 directs the king beyond *De Regno*.[63]

On the other hand, nothing in the progression from I.1. to II.4 suggests that the activity of politics is mysterious and in need of radical clarification. Indeed, I.1-6 gave the king a persuasive image of what politics should not look like, and it was persuasive because the king untutored could agree. But I.1-6 in fact was a kind of tutorial, one toward the need for knowledge of ends in politics. Thus the point of I.8 was less to instruct the king in specific political activities than to show him the great point of politics and of the earthly existence of man. Perhaps seeing the end proper to politics will alter somewhat his political activities, rationalizing it and purifying it of contradictions and elevating its task. Thus at II.3 we see the king urged to see God as the founder of cities, and himself as a founder in only the most derivative way. On the other hand, the king is

63 Cf. *ST* I-II 90.3 on the prince as "*vicem gerens multitudinis*" and Maritain at *Man and the State* 134-8 and *Freedom in the Modern World* 154 (fn 1), the latter of which includes helpful references to Billot and Journet.

now the governor of this city that God founds, as Aquinas emphasizes in the beginning of II.4.

Thus it may well be that the point of the king referring to the divine law is primarily negative: the virtue that Aquinas wishes the king to propagate among his people are "intermediate" or "antecedent" to beatitude, and it turns out to be Aquinas' great teaching that the end of political activity is emphatically not beatitude. A ruler pursues intermediate goods, however "ecumenical" those intermediate goods are, and knows that they are not final goods.

As we have read, the king must lay down a regime by which "the multitude subject to him may live well" (116). How is he to do it? Aquinas takes the task to be three-fold: to establish virtue among the multitude; to preserve that virtue; and to improve upon it. A description of these tasks occupies paragraphs 118-121.

First, to establish virtue among the citizens is the great task of founding: not just to build a city, but souls. And it is not easy work: "Yet the unity of man is caused by nature, while the unity of multitude, which is called peace, must be procured through the industry of the ruler" (paragraph 118). The king may take his direction from the regime of nature, but his own work is a product of human intelligence. This *unitas pacis*, discussed at I.1, must be such that men are directed to acting well. This unity, Aquinas explains, has a two-fold nature: it has a material basis in the necessities that permit life in the first place, e.g., food and shelter, but also in the kind of harmony that permits men to work together rather than contradict and counter-act one another. In other words, this peace is an active state, not the stability of a "system" closed in on itself, as in the artificial order propagated by the tyrant. This *pacis unitas* seems a more organic thing.

Second, to preserve this life of virtue requires a consideration of what can harm or bring to an end this *unitas pacis*: mortality, perversion of wills, and external attack

(paragraph 119). Even the most virtuous regime must reckon with mortality, namely that men die. To preserve the immortality of the regime, as it were, men must be replaced, meaning raised well to virtue and then assume their offices in the community. Even within the span of a life, Aquinas warns, men are suited for different tasks. Thus the regime must be rendered "in a sense perpetual" although men be not. The second concern is the "perversity of the wills of men." This perversity can lead to laziness and thus failures to perform duties, as was the case, we might recall, with the Romans under the early Roman kings (I.4), or active transgressions of justice in the form of violence and usurpations of power. This was the kind of tyranny that came to characterize the Romans after they overthrew their kings, although at least for a while they enjoyed the bounties of republican liberty. There is, finally, attack from external enemies, by which a city, Aquinas dramatically notes, can be "completely blotted out [*funditus dissipatur*]." The ability to fend off such attacks, again, was the reason for the superiority of the provincia to the city at I.1.

Aquinas' explanations for each of these factors are matter-of-fact and relate directly to the health of the city. We thus might find them obvious and mundane. But it is first extraordinary that external attacks come last in this list, for they are the most obvious threat to a community. Indeed, while all three threats can disorder a community, attack from enemies is the only threat that Aquinas explicitly claims can end the very life of the community. Yet the life thus extinguished could be virtuous to the end, and snuffed out through no fault of its own. Humans, after all, cannot control their enemies. They seek to secure concord with their neighbors as they can, but they cannot prevent empires from threatening them when those empires have a mind to do so. Even when the external enemy "blots out completely" a city, one rues the size or strength of that city, not their

virtue. Thus what makes the threat posed by external enemies the most daunting to our king might also make them the least morally significant.

Then again, we might wonder if external enemies are distinct from this second cause, the perversity of wills. Most obviously, citizens with little love for their country render it vulnerable to external attack, making it difficult to assay whether the country was finally brought down by internal sloth and decadence or external invaders who sense such weakness. This was often how the question of Rome was put in the Enlightenment.[64] But consider the ideal case, when one's city is perfectly virtuous but overcome by a hostile opponent with greater force of arms than one's own. In such a case, is the root cause not also perversity of will? Is the problem not, in other words, the desire for domination or glory at the cost of others' lives and liberty? This perversity of will, in turn, leads to attacks upon other communities.

What is distinct about this cause, however, is that it is the perversity of others' wills, not one's own. And there is far less one can do about those wills. In some sense, this is the problem of mortality. For it would seem to be necessary for Aquinas to point out something here that he does not: death does not "arise… from nature" strictly speaking, but from maimed nature, nature after the Fall.[65] And that Fall occurred because of the sin of man. Thanks to the Fall, then, came both death and the intransigent persistence of man's perversity of will. Here, of course, classical and mediaeval political philosophy must part ways on what makes man mortal and the source of his viciousness, if classical political philosophy ever had an answer to such questions.[66] But death is

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64 Cf. Edward Gibbon, *The History of the Decline and Fall of the Roman Empire* (1776)

65 Such a teaching would not simply be a later development of Aquinas' thought that I seek to impose upon him now, but a standard Christian doctrine of which neither he nor his reader could be unaware.

66 Cf. Schall 2000, 56-7.

something with which all men must come to terms, even if that means attempting to fashion a life that allows one to ignore or avoid the question of death.[67]

Avoiding reckoning with death might seem to be the goal of the *provincia*. The *provincia*, we recall from I.1, has an advantage over the polis in its ability to defend itself from external attacks. External attack, we see here, is a great threat to the community. Yet the city that protects itself from external attacks is not necessarily a city that seeks to order itself according to virtue. Such a city might come to orient itself around military pursuits such that it no longer cares for virtue. We recall the examples Aquinas gave of the ruin to which this can bring a city. Thus we wondered if the development of the *provincia* ultimately represents an unfortunate compromise between virtue and necessity. To be clear: a community ought to defend itself. As Aquinas argues in the next paragraph: "it would be useless to prevent internal dangers if the multitude could not be defended against external dangers" (paragraph 120). Indeed, his argument at paragraph 106 that men live together for an end surpassing survival does not deny that men do live in multitudes for such survival. A citizenry that sought no higher end, however, would be stunted. Moreover, would the virtue they would thereby be neglecting not be a help toward their defense? Vicious citizens cannot protect their city against external enemies or, we might add, against themselves. There could be something self-defeating in this decision, then, if a *provincia* ends in tyranny because of a lack of concern among its citizens for justice.

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67 The relation the liberal state bears to death is of course a question well worth puzzling over further. It is a great theme of *Beyond Good and Evil* and *Genealogy of Morals* of Nietzsche, although *Daybreak* has this remarkable line: "Are we not, with this tremendous objective of obliterating all the sharp edges of life, well on the way to turning mankind into *sand*? Sand! Small, soft, round, unending sand! Is that your ideal, you heralds of the sympathetic affections?" (174).

This worry about the *provincia* as the best regime, then, is the fear that such a regime would orient itself around bare survival, and that such a strategy would require close attention to a problem that will not go away and that, as we said above, is not fully knowable or predictable: the perversity of other people. If one cannot predict or prevent the aggressions of others because of their disordered wills, then one might attempt to impose a high level of order upon one's own people so as to prepare them for such aggression. There would be a striking structural similarity between this quest for order and that of the tyrant detailed at I.10. And if living for nothing more than survival stunts a regime's citizens, it also denies them the chance to establish rational and virtuous concourse with citizens of other regimes, to extend the lines of friendship beyond the contingent lines of political borders. If one must regularly fear the intentions of others, would it not in the long term be more rational to befriend them and lead them toward virtue, rather then engage them in endless violence? Such virtuous relations between nations are rare, and certainly not instantly formed through invoking the *populus Christianus*, but that notion of universal solidarity ought to be connected to the simple point that peace and just exchange between nations is salutary for all.[68]

Leaders must not forget that it is regimes that stand some chance at immortality, not humans. On the other hand, regimes become immortal through virtuous citizens. And no regime actually lasts forever. What, then, is the solution to this perversity of will?

> …by his laws and precepts [*legibus et praeceptis*], punishments and rewards, he should restrain [*coerceat*] the men subject to him from wickedness and induce

68 It is thus worth noting that Aquinas makes no explicit reference in *De Regno* to the Holy Roman Empire, despite speaking often of this ambiguous *provincia*. He apparently did not share the nostalgia of Dante for the days before Canossa (Gilson 1948, 171-73). It is difficult to see how the perversity of man would not prevent such a community (thus the this-worldly opposition between the *civitas Dei* and *civitas terrena* of Augustine), or how men would maintain much love for such a distant and far-flung community of humans. Cf. *Republic* 334c1-335b and Stauffer 2001, 40-45.

> them to virtuous works, following the example of God, Who gave His law to man, and handing out reward to the observant, punishment to the transgressors (paragraph 120).

This statement does not sound surprising. We already know that the king must lead his people toward virtue and thus away from vice. Perhaps it is similarly not surprisingly that he should imitate God in this, laying down laws and punishing and rewarding men as the case calls for it. This latter concern speaks to the king as minister Dei, and might be another reason for the king to turn to divine law: to study how God made His law known and how such punishments and rewards have been meted out. We might press the point further and say that it is in many of those interactions between God and men that we see the full display of man's perversity. Thus perhaps another teaching the king can glean from the divine law concerns the cause and character of man's perversity. If one must know the moral condition of citizens to know what sort of laws is appropriate for them, then a teaching on the concrete condition of men is a very practical one.[69]

This is also only the second reference to "law" in *De Regno*, and at that the only one directed to our king. This advice to enact laws is the most concrete counsel that Aquinas has given to the king. It is also notable because Aquinas' political thought is generally thought to hinge crucially upon law, and especially the natural law.[70] If the natural law is in some sense the foundation of Aquinas' political theology, why does he never discuss it in *De Regno*? In fact, this law is directly related to God and His legislation, not some law that we can apprehend without revelation. The range of ways to approach this question is broad, and the implications of many possible answers are

69 Maritain 1955, 38-41

70 Guerra 2002, 14, footnote 2

substantial. Thus I propose to leave this question for thematic treatment in Chapter 4 of this study.

So much for the second task: preserving virtuous living among his people. The third task of the king toward the virtuous life, namely seeking to improve it, serves as a seal on the previous two duties. Maintaining the virtue of his life as best he can, he should seek always to identify what ails it and improve it. Aquinas thus quotes from 1 Corinthians 12:31: be "zealous for the better gifts." The king, in other words, should govern knowing that he serves something beyond him or his kingdom.[71]

A consideration of these three tasks appears to confirm our suspicion that Aquinas has not defined the king's task in great detail because Aquinas does not mean anything particularly novel or radical by those tasks. After advising the king to read Deuteronomy, he then exhorted the king to cultivate virtue in his people, a somewhat less "theocratic" enterprise than the one we might have expected. In fact, after admonishing the king to turn to divine law for instruction, Aquinas never subsequently clarifies just what the king should be looking for in Scripture. Similarly, the earlier consideration of the three ills of politics, mortality, the perverse wills of men and external attack, are not in themselves novel ideas of which our king would be ignorant. But there does seem to be a "Pauline dialectic," as Servais Pinckaers would call it, whereby Aquinas confronts political convention with Biblical wisdom, and then effects a reconciliation on new terms.[72] This is most evident in his discussion of perverse wills, which turns out to be a more fundamental problem than external attack. More generally, if Aquinas has arrested us with this need to uncover and develop the *minister Dei*, what has been finally intriguing

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71 The chapter ends with a promise for the content of II.4-8, which we will not discuss for the aforementioned reasons (*supra* n. 3).

72 Pinckaers 1995, 125-127, and cf. Ratzinger 2003, 227-230.

about the concept is less the operation of such a man than the justification of his activity and its final end.

CONCLUSION

We began Chapter 3 of this study with two questions to which we thought our king might also desire answers: what is the practical significance of the analogy between the king-in-his-kingdom and God-in-His-creation, and can politics reach man's end? At the time these questions seemed related, and the answers that Aquinas gives in Book II confirm that they are. In short, the significance of the analogy is clear but limited, and politics cannot reach man's end.

Aquinas wants to make two points clear to our king: political activity has a discrete end, but that end is also antecedent or intermediate to a superior end. Aquinas has taken pains to assure the king that his political rule is not undermined by the special responsibility of the Church for man's beatitude: Aquinas does not promote hierocracy.[73] Thus Aquinas frames the king's subordination to the Church as a kind of imitation of God. We should not underestimate the rhetorical strategy of II.2-3, which makes it clear that the king imitates God in governing man toward his natural end.

But neither does Aquinas recommend some kind of "secularism" or a return to civil religion whereby political leaders make their own claims about man's supernatural end: the Church will have some direction for political leaders on matters touching faith. Thus the *minister Dei* analogy is revealed to be even weaker than we thought, both insofar as it binds the king to the service of the common good, and it prevents him from

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73 McCoy 1973, 163

arrogating the spiritual power for his own uses. Our worry that this analogy implies some kind of "divine right" absolutism has been allayed.

Aquinas strikes this balance by founding his speculations primarily upon man's ends, not upon the governments that serve those ends. Thus Aquinas has detailed the rise of the virtuous city almost simultaneously with the rise of the ideal king. And this king has the same ends as man, the *liber* whose development we have attempted to track throughout *De Regno*. We thus might wish to speak thematically of this "development." This "developmental" approach is decidedly practical: it allows one to see how these units ought to grow and how members of society can help them progress. This approach permits Aquinas to adumbrate the moral development of ruler, citizen and city. Aquinas does not, in other words, simply present us with a "before" and "after" picture of the city reformed according to his proposals. This approach is thus distinctly pedagogical: he leads us through the reform of the city. One might call it a "practical teleology" to underline that it captures the movement of the multitude toward their ends, and the relation between citizen and community is static. Thus the developmental model not only allows us to grasp the temporal dimension of political change, but also allows one to speak of the growth and change of men toward or away from justice.

If we return to our earlier consideration of social contract theory, note that in general such theory assumes a certain condition of man in his pre-political state, and assumes a particular reason or set of reasons for man's entrance into political community. The state thus imagined, in other words, has a specific set of ends and a relatively static outcome. Yet this hardly seems to do justice to the ways in which citizens grow and learn from each other, never mind how rulers develop in their understanding of politics. In the "developmental state" of Aquinas, on the other hand, we are drawn to a dynamic picture of a community, however inchoate, that changes with the ethical perceptions of the

people living in it. We have, after all, seen the king's city develop over time, from the tyrannical lower points to the celestial high ones. What is more, the reason that the city is founded, to supply for man's wants, is not the height of the city's existence, as we see in Book II. Of course Aquinas argues for particular ends of politics, but he can distinguish between the ends that bring man into political community and the ends that man comes to seek as his life in community becomes more rational.[74] He can also distinguish, more importantly, between the ends of the community and the citizens' apprehension of those ends. Closing the gap between knowledge and opinion, one might say, is a key task of politics.[75] The point of *De Regno*, then, is to suggest to the king that there is such a gap between his opinions and true knowledge.

In fact, Aquinas has shown us at least three different cities in *De Regno*: the tyrannical city of I.1-6, the just city of II.1-2, and the supernaturally-directed city of II.3-4. One might also, however, conceive of *De Regno* as exhibiting distinct moments in the life of the same city, in its progress toward its perfection.[76] Aquinas prefaces the articulation of each moment or developmental level of this city with an account of how

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74 Cf. *Politics* 1252b27: "and though it originates for the sake of staying alive, it exists for the sake of living well."

75 There is all the difference in the world between recognizing the necessity of knowledge and having it. As Pieper says, philosophy, which he understands quite broadly as the wondering posture of any human seeking to know, is both a search for first principles and an awareness of its status as *in via* (Pieper 1952, 91-97, 104-15; cf. Aquinas, *Summa Contra Gentiles* IV, 33).

76 *De Regno* would thus parallel the development of the "city in speech" of the *Republic* of Plato as Socrates, Glaucon and Polemarchus flesh out their description of the soul. Whatever one thinks of the character of that Socratic city, Aquinas in *De Regno* clearly means to articulate a kind of "realist" theory of politics: he lays down principles for political activity whose final form must be attentive to and negotiated in the realm of the changing and contingent. From this perspective, the "realist" argument that "high liberalism represents a desire to evade, displace, or escape from politics" is most welcome (Galston 2010, 386; cf. Schall 1996 on realism more generally).

the city can be advanced to the next stage. Most strikingly, in I.6 he calls for the conversion of citizens toward justice. The citizens of I.6 are exhorted to *fortitudo* in the name of justice: to discern what would be best for the city, not to dispose immediately of a ruler who does not suit their interests. They are urged to reform themselves in the name of a better regime. If the conversion of the people involves them seeing the temporal end of man as intermediate to that final end, then conversion has a profoundly political dimension. One might think of this as the "magnanimous regime": the city whose end must be great and worthy of man's higher nature, even if its citizens are not yet clear on the precise nature of this end. What precisely this end should be is not discussed at any length, but it is at least clear that it is not tyranny. We might even think of this as Aquinas' "state of nature": man naturally lives in society and seeks how best to secure virtue through it.

Learning what conduces to man's nature is an important dimension of the city. In I.7-9, the king is taught the great end of such justice: beatitude. Of course only the king is given the secret of the end of politics, or at least Aquinas presents it that way, both in the sense that Aquinas directs this knowledge specifically to our king at I.8, and insofar as it is presented or given to him as the "reward of the king." This difference between I.6 and I.7-9 might seem to reflect a certain asymmetry between the king and the citizen. On the other hand, a full understanding of justice on the part of the citizens would require them to see this reward of the king as also the end of man. Thus we move from the aporetic I.6, where Aquinas urges against a certain attitude or orientation toward tyranny without naming its alternative, to I.8, in which the end of politics becomes clear. The new city at II.1-2 would seem to depend upon a decent ruler and body of subjects.

Finally, II.2 prepares the ruler for the bombshell of II.3 by taking a step behind the end of man's activities: the activity of the God behind the universe. In differentiating

between God's governance and creation of the universe, Aquinas makes clear to the king the basis of his status as servant to God: God makes and orders the cosmos to His purposes. If the king had not been led through I.7-9, this discussion might appear as a power grab or as a cynical assertion of political authority rather then a necessary response to the two-fold nature of man's end. Thus, while we have read this work as the education of a prince, or have at least attempted to consider what reading it as such would entail, *De Regno* could also be a kind of education of a city.

Just as our discussion of the king's education has led to our new understanding of the *minister Dei*, so we can consider what kind of citizen has emerged from the work, most notably in I.6. Aquinas does not treat upon the "citizen" at great length, but it does arise in at least three ways. First, the ethical foundations of the city, to recall, lie in the inquiry into the ends of man and the further question of the competence of the community to fulfill them. Thus the "reward of the king" ultimately means the end of man and man as citizen.

Second, at I.6 Aquinas clearly means to educate the king as to the proper role of citizens. Most obviously, they ought not to reject lightly the rule of a king even if they do think him tyrannical. Rather, they should mull their own virtue and discern what is best for the city. But if the citizens do participate in the good laws of the king, and are called to a thoughtful judgment of the politics of their city, this would make them virtuous citizens, indeed. They could well become the sort of citizen who knows how to ascertain the nature of and resist tyranny in a proper manner.[77] But to the extent that they become virtuous, does that not make the city as whole – the ordered multitude under their rulers – a more perfect harmony? Thus, third, citizens are called not simply to abstain from

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77 There could be a "prophetic" dimension to this citizenship, as Maritain notes at *Man and the State*, 139-46.

interfering with the rule of kings, but to become virtuous and active members of their city, as should be clear from II.1-4. They build these virtues, Aquinas has argued, through friendship with their ruler and with other citizens (I.10).

When we argued above that Aquinas' "developmental" model of politics "allows one to speak of the growth and change of men toward or away from justice," we did not simply mean "allows" in an extended or metaphorical sense of "casts words in a fitting manner." We also meant it quite literally: it has allowed Aquinas to say what he might not otherwise want to say. For if *De Regno* is a work of education, then it has been addressed to someone who must learn, a student. This student, of course, has been our king. The king himself has not been called idolatrous (I.4), a hypocrite (I.6-9), a tyrant (I.3-6), desperately friendless (I.6), a thief (I.6), a murderer (I.10), a liar (I.10) or vainglorious (I.6). He has been shown, however, that such perils threaten the reader who does not heed Aquinas' teaching. Moreover, if the king thus comes to see himself as lacking in virtue, he sees it not under the aspect of a harsh law or of the critique of a political opponent, but rather in the estimation of a theologian who shows him the means by which he might increase his virtue and live out this *imitatio Dei*. Thus there is an invitation to greatness in the criticism that *De Regno* might imply against our Cypriot.[78] The high point of this education is at I.7 and the characterization of the magnanimous man. The magnanimous man might ultimately be tragically defective in the account of Aristotle. Yet in *De Regno* we see him not as a static character to whom nothing is great, but rather as dynamic figure, one whose virtue would increase as his knowledge of what is good does, as well. He wants to be godlike in serving God, not in usurping God's role. He is just and capable of friendship with his citizens, things we would not expect from

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78 As we mentioned in Chapter 1, there is an aspect of "saving tyranny" here that might call to mind *Politics* 1315a40-b10 (cf. Simpson 1998, 411-5).

the magnanimous man. To seal this teaching, Aquinas presents the teaching of St. Gregory at I.9: you work for God, and He will forgive your mistakes. While it would be beyond the bounds of this study to explore it, it would thus seem that it is the friendship of Aquinas' magnanimous man with God that differentiates him from that of Aristotle.[79]

When Eschmann and others claim that Book II has been less than practical, we can sympathize with them in a certain way: it is not Aquinas' interest here to specify how this teaching should best be realized in concrete political arrangements.[80] But no institution could flourish, he would surely say, that did not follow the principles laid out here. Aquinas' final goal is thus to detail the order of man's ends.[81] We might thus note another possible misunderstanding that Aquinas wishes to head off: the association of the relation between man's two ends with a particular political formation. Surely further historical work on the nature of relations between political and ecclesiastical authorities on Cyprus and in France of the period would be illuminating to our understanding of *De Regno*, and we have attempted as it has been helpful to sketch in broad strokes what of those relations Aquinas might have in mind at points. Yet that theologico-political controversies in Europe so often revolved around the defense or justification of particular arrangements of political and ecclesiastical authority, rather than their proper goals in light of man's ends, must surely be Aquinas' great concern.[82] I thus suspect that Aquinas has seemed less than practical because he does not want to tie his teaching to any

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79 Faulkner and Howland direct our attention to the problem of Zeus in Aristotle's discussion of magnanimity (Faulkner 2007, 41-2, 54; Howland 2002, 41, 47-8).

80 Eschmann 1948, xxxviii-xxxix; Jordan 1992

81 A study of the connections between *De Regno* and the *Summa Theologiae* would compare this order of ends in *De Regno* with the orders of charity, justice and piety in the *Summa*. I thank Michael Breidenbach for this suggestion.

82 That these political disputes rarely rose to the level of controversy over principles is not to say that it was not fundamentally such principles that were at issue. Höpfl 2004 and Tuttino 2010 are in some sense studies of this problem.

particular, and therefore contestable, institutional arrangement; he recognizes that such determinations would necessarily be prudential; and that our king in any event needs to grasp the principles of man's two-fold end before he can bring prudence to bear. This two-fold government, after all, depends upon man's awareness of his two-fold ends, an inquiry laid out at I.7-9.[83] Thus Aquinas presents three different phases of this city (I.1-6, II.1-2 and II.3-4) as the king's understanding of politics improves.

A great concern of Aquinas, then, has been to explain the fall of civil religion. Civil religion, as the name suggests, is a political and a spiritual theme. What Aquinas proposes is three-fold: distinguish the "political" and the "spiritual"; order those ends to one another in a hierarchy of ends; and lay out principles for the ordering of those ends in the activity of man. Civil religion has not been a thematic concern to many Christians after Aquinas. Understanding what civil religion is and what Christianity changes about it, however, helps one to see the full political consequences of Christian revelation, as well as explain likely variations of civil religions within nations.[84] Even if this or that civil religion arises as a merely contingent social formation, the concept broadly interpreted embodies notions that law historically has had some kind of divine grounding, that cults and liturgies have typically had political significance, and that the figures of

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83 I thus agree with Jordan 1992, as one might have surmised, that *De Regno* is not a political theology after the manner of Carl Schmitt, which is to say the theological prescription of particular political orders. But it certainly is a political theology, or a "theology of politics," insofar as Aquinas brings theological principles to bear upon political phenomena (cf. Riedl 2003). I thank Matthias Riedl for our conversations on this point.

84 Civil religion surfaces as a concern among certain scholars explaining the "creed" of a country, often the United States. Part of the limitations of such studies, however, is their tendency to assume the social transformations wrought by Christianity, the teachings of which are generally not explicitly stated. See especially Bellah 1967, but also Lipset 1963, Wimberly 1976 and Bellah 1992.

king and priest have often not been clearly distinguished.[85] Attempts within the Christian age of Europe to resurrect civil theology have thus born this double aspect: a rejection of the Christian teaching and a return to pre-Christian ways of thinking about politics and religion. Other political philosophies, most notably those of Locke and his forbears, have appropriated the distinction between the temporal and spiritual posited by Christianity but not the hierarchical ordering of the two.[86] At the core of civil theology is a question of the rationality of the law: how does man's spiritual end bear upon law? Is man's natural end, what he pursues through politics, in fact instrumental to that spiritual end? This is not a question whose answer can easily be worked out, not least because we have hardly spoken of law in our study of *De Regno* thus far. Indeed, we noted its lone occurrence at II.4 (paragraph 120), and thought it might be best to delay its consideration until the next chapter. I again propose to do so, with the caveat that we be concerned in that study to consider how the law of Aquinas' king will reflect its detachment from civil theology.

With all of this talk of religion, theology and man's ends, a reader of the 21st century will be disturbed that I have not yet broached the great watchword of modern political philosophy: toleration. We should note two things: first, toleration without a doubt is not the great theme of this work, as it is for instance with John Locke's *A Letter Concerning Toleration*, nor is it the great goal of its author, as is perhaps the case for Voltaire or John Rawls. Most notably, the "freedom" of which Aquinas has spoken in *De Regno* is not that of an "autonomy" to do as one pleases, but the moral excellence to pursue one's proper ends.[87]

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85 This captures at least part of Voegelin's objections to the treatment of Varro by Augustine (*The New Science of Politics*, CW Vol. 5, 153-162).

86 Benestad 2011, 35-47, and Long 2011 on "dignity," but cf. De Koninck 1943.

87 Pinckaers 1995, 354-78. Taylor explores the contemporary grounds of this problem as the question of what excellence to follow (1-3).

Yet if toleration has not been a thematic concern for Aquinas in *De Regno*, this is not to say that a basis for toleration cannot be found in *De Regno*. One would have to locate the source of that toleration without the help of Aquinas, however, and one would have to attend to whether it is a toleration of principle or of prudence. In other words, is toleration itself a good that should be maintained in all times and in all places? Or is toleration something like what the quotidian meaning of the word suggests, a kind of "permission," that is, prudential forbearance toward some activity or idea that one takes to be wrong, dangerous or obnoxious but sufferable at least immediately?[88]

Without attempting to answer any of these questions definitively, I might first note that the political theory of *De Regno* seems to rest on a certain understanding of politics as education, and toleration plays an important role in education. In the education of a person, a good teacher knows that for any given lesson certain knowledge can be assumed of the pupils, and other knowledge cannot be assumed. The teacher will then consider what knowledge must be acquired to master a lesson well, and what sorts of falsehoods or misapprehensions of knowledge will prevent pupils from learning well. That teacher, then must structure his lessons such that the student is gradually instructed in what facts or claims conduce to the main objectives of the lesson, and also that he is informed as appropriate of certain errors or misunderstandings that would obstruct his mastery of those lessons. In education, then, toleration emerges as the prudence of the teacher in enduring the errors of the student until it is timely to correct them, that is, until the student is able to see the grounds of the truth.

I have argued that *De Regno* presents three different stages on the way to the ideal city. At each stage, the city achieves a certain level of perfection because the rulers and

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88 Budziszewski 1993. One might consult Aquinas' own *Summa Theologiae* I-II 90.96, 2-3; II-II 10, or his neglected (even more so than *De Regno*) *Letter to Margaret of Flanders* on the treatment of the Jews.

citizens orient their activity toward a certain truth. To the extent that they share that truth, then, they can assume it in their political activity. And not just assume, but collectively clarify the basis of that truth and ponder its implications. Toleration would then be necessary to the extent that pushing the boundaries of this truth would be in part constitutive of political discourse. Yet it is also true that to the extent that citizens share this truth and actively seek to embody it, then, they would expand its ambit. On this reading, toleration would thus be a "moving target," as it were, a kind of exploration to move the truths of political discourse further.[89] Perhaps in later modernity we are in the first city, debating about the character and purpose of political life and, without any agreement as to what humans ends are superior to it, if any, unable to negotiate how our political life can foster something beyond it.

Let me secondly note this. Concerns about toleration most often arise when the state is taken to have some kind of dogmatic or "theocratic" element, or when some church is itself invested with political authority.[90] Consider Rawls' discussion in *Political Liberalism* whereby he defines liberalism vis-à-vis the religious wars and the secularization of political authority as a result of intractable religious pluralism.[91] This is also Locke's concern in his *Letter Concerning Toleration*, in which he argues both that governments have no legitimate concern for care of souls and that churches are voluntary associations with no coercive authority, in fact whose chief mark is toleration.[92] One

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89 This notion parallels in a limited form Mill's arguments for the toleration of false opinions in *On Liberty*, especially in chapter 2.

90 It can never be sufficiently pressed that "theocracy" describes a rule by a god, as in the Middle Dynasty of ancient Egypt. Rule by priests is "hierocracy," and is a more interesting phenomenon insofar as it not only presupposes a god, but indeed a god who permits men to mediate or represent his rule.

91 See Beiner 2011, 283-300, on Rawls 1996, xxiii-xxx.

92 Locke [1689] 1983, 26-8; 23, 28-9.

might in fact think that a certain attempt at moral neutrality, at avoiding any sort of "comprehensive doctrine," arises from the essentially reactive dimension of some strands of liberalism against an understanding of Western history as a gradual liberation from religious authority.[93]

For such reasons, we might think that the close coordination of spiritual and temporal authorities proposed by Aquinas in *De Regno* would lead to such hierocratic conditions, thus diminishing toleration. Yet if Aquinas does take man's ends to be finally one, the State and Church serve distinct modes of that end: the state cannot lead men to beatitude because it lacks the grace-given mission of the Church. Aquinas does not argue for Jefferson's "wall of separation," to be sure, but he does lay down a distinction and asks us to reflect upon man's ends in conversation with other men. This is the force of the de-legitimization of civil religion we above detailed. Thus a founding assumption of most liberal notions of toleration, namely that the political and spiritual can be distinguished, owes at least something to this Christian critique of civil religion and "gentile" political theology.[94]

This chapter concludes our general exegesis of *De Regno*. This study has been incomplete at every step, but we can hope that it lays the groundwork for more perceptive students of this letter. We might also venture that this analysis has been a kind of an apology for reading *De Regno*, if only because it has left many questions unanswered. I intend in the next two chapters to consider in detail two concepts that have loomed in

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93 Taylor calls such accounts "subtraction stories" (Taylor 2007, 26-9).

94 As we saw earlier, one can also criticize Christianity not for its political power, but for its attempt, however uneven, to de-sacralize politics. Instructive is Rousseau's well-known argument for "reuniting the two heads of the eagle," i.e. religion and politics (*Social Contract* IV.8). Rousseau goes on to explain why Christianity is a poor eagle head.

these first three: law and the common good. Our basic questions will be “What is law?” and “What is the best regime?” for this city in speech Aquinas proposes.

Chapter Four

In Chapters 1-3 of this study we began to identify some of the central questions of *De Regno*. In this chapter, I propose to consider not some additional aspect of something that Aquinas treats, but a topic wholly absent from *De Regno*: law. And not simply law, but the kind of law that is often said to be the singular political teaching of Aquinas: the natural law.

The phrase *lex naturalis* nowhere appears in De Regno. Why is this significant? Aquinas also does not discuss lemurs, limericks or lariats, yet we do not feel compelled to ask why. And such a question need not be just irrelevant but also dangerous. For if Aquinas does not discuss a topic, then it seems improbable that evidence from the text itself would provide demonstrative proof for a hypothesis, but rather might simply be used to reinforce one's preconceived judgment on the matter.[1] So allow me to outline my three-fold purpose in asking this question.

First, we expect the natural law to be in *De Regno*. This expectation is borne of a certain familiarity with the work of Thomas Aquinas, which is to say a tradition according to which the natural law is a central teaching of Aquinas concerning politics.[2] Even if the natural law is not the fundamental doctrine of Aquinas' political thought, however, it surely still appears in the *Summa Theologiae*, and it can hardly be said to be irrelevant. Because the natural law does appear in the *Summa Theologiae*, and because

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[1] Thus we are not approaching the question of natural law in *De Regno* as a "problem," even if its status may be a problem for the integrity of later schools of Thomism or for the textbook version of Western political philosophy (cf. Fortin 1996, 199).

[2] Cf. Guerra 2002

moreover many following Aquinas found their politics upon it, it is curious that *De Regno* as a work of Thomas Aquinas should have no mention of it.

Second, even if we are wrong to expect the presence of natural law in *De Regno*, perhaps especially if we are wrong to do so, then we have some questions about what natural law is and why it is not there. These are questions for which *De Regno* conceivably holds answers, although it is not necessarily a reflection of *De Regno*. Perhaps we misunderstand the *Summa Theologiae*. Perhaps the natural law "matters" but not to the extent or in the way that it has often held to do so. Such a study might help us ask just what it means for the natural law to be absent from *De Regno*. Must Aquinas explicitly invoke the precise phrase? Would it count if the work assumed the natural law without directly raising the issue; if it contained the idea in an inchoate form; or if it simply did not deny the existence or contradict the conclusions of the natural law? Or will only a recapitulation of the *Questions on Law* from the *Summa Theologiae* satisfy us?[3]

Third, the question of natural law teaches us more about *De Regno*. As we discussed in the introduction, no scholar has subjected *De Regno* to extensive study in recent years. Yet those who have touched upon it have noted this apparent lack of natural law. Indeed, this absence is typically what makes *De Regno* gripping for them: a weighty political work by Thomas Aquinas without the "baggage" of natural law. This would be a tidal shift in our understanding of Aquinas' political thought, regardless of what took natural law's place. For some, it demonstrates the primacy of virtue in politics in Aquinas, in conformity with "virtue ethics"; for others, an irrational divine law after Carl Schmitt. On the other side of the scale, the work's simple naturalism might be taken to

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3 *Tractatus* is a broad Latin term, but the English equivalent "treatise" has connotations of deduction and self-containment that are best avoided. I thus prefer "Questions."

uncover a surprisingly practical or pragmatic political science, or its dour focus on tyranny Aquinas' fundamentally tragic or even absurd view of politics in line with post-modern thought.[4] Any of these possibilities, one might think, would ease relating Aquinas to modern political thought and phenomena.

In our reading, however, *De Regno* has not been the dark story of overweening tyranny that we expected: it has something to teach us about the best regime, the good ruler and the good citizen. Perhaps there is an account of justice and law undergirding it. Thus we might raise the question: what in *De Regno* is "doing the work" of natural law in its absence? Indeed, where is law in general? One of our great questions for Aquinas has been just what difference the theoretical teaching of *De Regno* makes for a ruler. What changes under Aquinas' instruction that the king become a *minister Dei*? If we can gain some sense for what Aquinas, at least in some texts, takes to be the function of natural law, and then examine what in *De Regno* would seem to fulfill that same function, then we have not only learned something of interest to Thomists in general, but moreover advanced our understanding of *De Regno*, which is after all the primary subject of our study.

This chapter proceeds in three stages: a consideration of the meaning of natural law; a study of *De Regno* in light of that meaning; and then my own claims about the natural law in *De Regno*. I conclude that Aquinas indicates the foundations of the natural law as they are revealed in the exigencies of political life, but always relates them to the eternal law from whence they issue and the human law toward which they point. Thus the

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4 Cf. Eschmann 1949, xxxviii-xxxix, on *De Regno* as an occasional piece; Keys 2006, 64, on tyranny; Mohr (cited in Blythe 1997, 3-5) also on tyranny and the putatively corollary absence of any doctrine of the common good; Guerra 2002 and the classic arguments of Goerner 1979 and 1983 on virtue (cf. Bourke 1974); and Cain 2007 on the divine law. Voegelin 1997, 215-23 is difficult to categorize, perhaps because he did not intend for this work to be published.

role natural law plays in *De Regno* does not mean that Aquinas or his natural law theory have no purchase in modern politics, but is the pre-condition for such engagement.

WHAT IS NATURAL LAW?

Among Thomas Aquinas' numerous treatments of the natural law, that found in the *Summa Theologiae* is definitive. In fact, when scholars speak of "natural law," they usually have in mind the account of the *Summa*.[5] This is not unwarranted. Aquinas' arguments therein, while brief, are comprehensive, integrating each kind of law within its broader genus.[6] Further, insofar as the *Summa Theologiae* is precisely that, a summation of theology, this discussion of natural law is not only situated in terms of law, but also in terms of Aquinas' theological science *tout court*. To the extent that our question about the natural law is an extrinsic question motivated by the popular association of Aquinas with natural law, then the *Summa* is the obvious text with which to think about it. Moreover, to the extent that the text of *De Regno* itself has led to questions about the natural law precisely as an aporia about the basis of law and virtue, then the Summa again seems most promising for our purposes.

If Aquinas means to state the principles of Christian theology systematically and tersely, however, as he says in the prooemium to the *Summa*, then it could be risky to read the natural law section without reference to its context, to those principles that eventually lead Aquinas to discuss the natural law. While I do not here propose a full reading of the *Summa*, permit me to sketch briefly the contours of that work, such that,

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5 Brown 1981 points to the need of studying the *Summa Contra Gentiles* on law.

6 As goes it being brief, it is noteworthy that the "Questions on Law" constitute only 19 questions in a work of 513 questions, although we ought to bear in mind that Aquinas moves with alacrity throughout the work. Aquinas notably grants only 5 questions to man's final end and 6 questions to grace, indisputably central doctrines for him.

when we arrive at the natural law question, we will know where we are. I thus intend to treat briefly on the scope of the *Summa*, before turning to the *Questions on Law*.

The *Summa* opens with a lengthy prologue, which itself begins:

> Because the doctor of Catholic truth ought not only to teach the proficient, but also to instruct beginners (according to the Apostle: *As unto little ones in Christ, I gave you milk to drink, not meat* -- 1 Corinthians 3:1-2), we purpose in this book to treat of whatever belongs to the Christian religion, in such a way as may tend to the instruction of beginners.

Aquinas next indicates that he means to correct the many flaws in contemporary works, particularly their ad hoc and disjointed manner of outlining theology: "the plan of the book" will follow the dictates of theology [*sacra doctrina*], not vice versa. If this is a work for beginners, however, it also promises to be challenging: Aquinas will treat the entirety of theology in a systematic and parsimonious fashion, avoiding "the multiplication of useless questions, articles, and arguments."[7] The result will be daunting.

What follows can be divided into three subjects: God, man and Christ. Aquinas proceeds from God and His creative activity to the great fruit of that creation, man, concluding with the salvific acts of Christ whereby man is redeemed and reclaimed by God. Thus some speak of an exitus-reditus model: man proceeds from God and returns to Him. On this account, what comes in the middle cannot be read without looking back to the beginning and forward to the end. That Aquinas has something like this design in mind is evident from the prooemium to this middle section, the *Secunda pars*, on man:

> Since, as Damascene states (*De Fide Orthod*. ii. 12), man is said to be made to God's image, in so far as the image implies "*an* intelligent *being endowed with* free-will *and self-movement"*: now that we have treated of the exemplar, *i.e*., God, and of those things which came forth from the power of God in accordance

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[7] Aquinas has in mind beginners in theology, who have had an extensive liberal education, including in philosophy and logic.

> with His will; it remains for us to treat of His image, *i.e.*, man, inasmuch as he too is the principle of his actions, as having free-will and control of his actions.

Having spoken of man as the creation of God, Aquinas will now discuss man as an image of God (cf. *ST* I.93). Man is not simply a creature of God like a tree or a squirrel: he is "the principle of his [own] actions" in a manner analogous to God. Thus man must be considered not only as the creation of God, but as in some sense a creator in his own right. While Aquinas treats on reason, the will, the passions, the virtues and vices, law and grace in this section, it is indisputably man's final end that has pride of place in the *Summa*, a point easy to forget as one winds one's way through it. As we noted in Chapter 2, the *Questions on Happiness* explore the teleological character of man's moral life, showing how man returns with his reason and will to God, and are thus key to Aquinas' moral theology.[8]

The *Secunda pars* ends with the questions on grace, the other extrinsic principle leading man to his end.[9] It is thus fitting that Question 114 concludes the *Secunda pars*, leading us into the *Tertia pars* and the redemptive work of Christ. The *Tertia pars* begins with a prologue:

> Forasmuch as our Saviour the Lord Jesus Christ, in order to "save His people from their sins" (Mt. 1:21), as the angel announced, showed unto us in His own Person the way of truth, whereby we may attain to the bliss of eternal life by rising again, it is necessary, in order to complete the work of theology, that after considering the last end of human life, and the virtues and vices, there should

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8 As Eric Voegelin writes: "The world, including man, is the creation of God; it bears the impress of the divine intellect; the meaning of created existence is the movement back toward God. The rule that motivates the action of man in his return to God is, therefore, the *ratio* of the creation in the intellect of God Himself."(Voegelin 1997, 223-4).

9 "Now there are five effects of grace in us: of these, the first is, to heal the soul; the second, to desire good; the third, to carry into effect the good proposed; the fourth, to persevere in good; the fifth, to reach glory" (*ST* I-II.111.3 resp).

> follow the consideration of the Saviour of all, and of the benefits bestowed by Him on the human race.

Aquinas then promises to treat on Christ, the sacraments instituted for man's salvation, and "the end of immortal life to which we attain by the resurrection." Aquinas stopped working on the *Summa* shortly before his death, so this part remains incomplete.[10] For our purposes we ought to note that Christ brought man the New Divine Law, by which man might be saved from sin and restored to union with God (*ST* III.1), and instituted sacraments and the Church to administer them (*ST* III.61; III.82). In other words, as man depends upon divine revelation for knowledge of his final end, he depends upon revelation to attain to that end.

The *Questions on Law* are to be found in the Secunda pars, the part treating on man as the image of God. In the *Secunda pars* Aquinas outlines man's final end (*ST* I-II.1-5); human acts (6-21) and the passions (22-48); and the principles of human acts (49-114). We have already discussed the centrality of man's end for his activity: every part of the *Secunda pars* should be read with that end in mind, much as every part of the *Summa* must be read in view of the question of creatures' return to God. Question 49 promises to investigate the principles of the human act, of which there are two kinds: intrinsic and extrinsic.[11] Of extrinsic principles of human action, there are two: law (90-108) and grace

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10 As with Ptolemy of Lucca's extension of *De Regno*, one of Aquinas' confreres "completed" the *Summa* with his own elaborations, the *Supplement*.

11 Cf. Hittinger 2003, 294 fn. 58. An "intrinsic" principle directs men to his end as the sort of thing that he is. The virtues are intrinsic principles of action in the sense that virtue is part of the acting subject: as the kind of thing that a human is one has basic capacities for virtue, and one develops and perfects those virtues or excellences as one acts (*ST* I-II.48-89; *ST* II-II). An extrinsic derives from and points to something beyond man. As Hittinger notes, Aquinas likes to describe extrinsic principles through the metaphor of a seal on wax: the seal impression left by the ring shapes and direct the wax, even as the seal is distinct from the wax. Yet while there is nothing intrinsic to the wax that fore-

(109-114). God "both instructs us by law, and assists us by grace…" (*ST* I-II.90 prologue). Law is thus a means whereby God draws man back to Him.

In Question 90, Aquinas defines law and differentiates its four kinds. Law, he writes, is "an ordinance of reason for the common good, made by him who has care of the community, and promulgated" (*ST* I-II.90.4 *corpus*). Law as a fruit of reason exists in man in two ways: as something measured and as that which measures. In other words, by law man is guided and ruled, and through law man can guide and rule other things (*ST* I-II 90.1 ad 1). We also see in this question Aquinas' first reference to the natural law. Aquinas considers the objection that promulgation is not necessary for something to be a law, because the natural law "above all has the character of law," yet is not promulgated. Aquinas in his response to this objection grants the first part: the natural law is law. Yet it is also promulgated "by the very fact that God instilled [*inseruit*] it into the minds of men so as to be known by him naturally" (*ST* I-II.90.4 ad 1). Thus the natural law is law, and it is natural in the sense that it is naturally known by man. Yet if it is known naturally, it is also "instilled" into man's mind by God. But how can the natural law be "natural" if it is also divine, i.e. comes from God? We will have to explore further this connection between nature and God, but for now it seems that there is no easy separation of them.

Question 91 lays out four kinds of law: eternal, natural, human and divine. There is also a quasi-law, the "law of sin." Aquinas structures each article around the question whether the law under discussion exists, thus signaling the importance of justifying this multiplicity of laws. Eternal law is the first (Article 1). How can God govern the universe through "eternal" law when nothing in the universe is eternal such that God could have legislated and promulgated that law for them eternally? Moreover, nothing that is ordered

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ordains it become a seal, wax is the sort of thing that is apt to the power of the ring to form a seal.

to a final end is eternal, because only that final end, its cause and source, could be eternal. How, then, is there an "eternal" law? Aquinas argues that the eternal law is eternal by virtue of being in the "mind" of God, which is beyond time. He concedes that the created universe is not eternal, and so the promulgation of the eternal law cannot be eternal "on the part of the creature that hears or reads" (*ST* I-II.91.1 ad 2). While the created universe cannot be eternal, these creatures were "foreknown and preordained" by God, who again is beyond time. His foreknowledge of them implies His governance of them, meaning that the eternal law stands outside time and is in this sense eternal. Thus the eternal law is indeed eternal: the "Divine Reason" whereby "the whole community of the universe is governed" (*ST* I-II.90.1 *respondeo*).

Aquinas next asks whether there is a natural law (Article 2). The objections to its existence are strong. First, as we just noted, man is governed by the eternal law; there is no need for some additional law. Second, man is not led to his end by some law like the animals are: he has reason and free will. Third, man's freedom is defined by not being under a law. But man is clearly freer than animals. So if the animals are not under the natural law, man is surely not, either.

Aquinas' responses reflect one basic insight: the natural law is not something different from the eternal law. He thus immediately concedes the greatest objection to the natural law: if God governs man, then nothing else does. In fact man's freedom, what distinguishes him from animals, is the key to seeing this point. The eternal law governs man, just as it governs everything: "they derive their respective inclinations to their proper acts and ends" (*ST* I-II.91.2 *respondeo*). Man does not, however, simply obey these inclinations as though they were instinctual, as animals do. To return to a distinction from Article 1, the eternal law is in man both insofar as it "rules and measures" man, and insofar as man uses it to "rule and measure." Thus his rational nature

is the sign of a creature that has some providence over himself and others. This self-governance is his freedom. This self-direction is moreover the natural law. Thus Aquinas defines natural law as "the participation of the rational creature in the eternal law" (*ST* I-II.91.2 *respondeo*), participation in this case meaning something like "share."[12] These arguments moreover echo the prooemium of the *Secunda pars*, in which Aquinas promises to treat on man as an image of God, "the principle of his [own] actions." Man uses his reason and will to govern himself, his reason based on what he can know naturally and his will moved by the natural inclinations that God grants him (*ST* I-II.91.2 ad 2).[13] Thus man's freedom is not a freedom from law: it is freedom of and through law. God's law is precisely what makes man free (*ST* I-II.91.2 ad 3). These arguments strengthen what Aquinas has already said of natural law in Question 90: the natural law is a law because the eternal law is a law, and it is natural because it is knowable naturally.

In Article 3 Aquinas inquires into the existence of human law. The first objection parallels the first objection of Article 2: if we have just established that there is such and such a natural law, why need there be another law? Additionally, human reason is not a measure of things, but is measured by things: it does not create or direct things, but apprehends and grasps them. A "human" law would thus seem to be oxymoronic. And finally, if human reason does issue in some kind of order, it is not anything approaching the certainty or necessity of "law": human law concerns what is uncertain.

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12 Most basically, participation is the passage of non-being into being, with every being dependent finally on the ground of being (Di Blasi 2006, 121-4).

13 Aquinas speaks further about these inclinations in Question 94. The natural law directs us to good and away from evil. Thus man has three inclinations fundamental to our pursuit of the good and arise from our nature as rational and spiritual animals: (1) the inclination to self-preservation; (2) the inclination to pro-creation and the rearing of children; and (3) the inclination to live in society and to know the truth of God (*ST* I-II.94.2 resp).

In his response, Aquinas concedes parts of these points.[14] Human law concerns contingent and unique things, he argues, and therefore does not attain to great certainty. But if the natural law is the reflection of the eternal law in man, then the human law is the natural law applied to the concrete situation in which a community finds itself. Aquinas insists that the natural law is not the entirety of the eternal law: that would make humans God. The natural law is rather man's imperfect share of the eternal law. Moreover, Aquinas agrees that the human law must grapple with the practical and contingent. Ergo, what humans know through the natural law has to be adapted for those practical contingencies. Aquinas will insist that "every human law is derived from the natural law," but he recognizes that this derivation requires the prudence of human legislators. Thus Aquinas can acknowledge both that man's law is a far cry from God's law, as we suspected in our study of Question 90, but also that the foundation of man's law in God's law is the source of man's great freedom.

Article 4 asks a somewhat different question from the first three articles. While others begin, "It would seem that there is not a such-and-such law," this one begins, "It would seem that there was not any need [necessarium] for a divine law." This is a stronger claim, and for good reason. As Aquinas has already explained, God governs the universe through the eternal law, and man shares in that governance through the natural law and fashions human laws to govern his community. It is difficult to see where another law would come in without questioning the sufficiency of one of these other laws. And this is indeed how Aquinas frames the objections to the possibility of a divine law. The eternal law is already a divine law, a hypothetical objector says, and man participates in that law through the natural law. Moreover, man governs himself through

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14 A study of the objections in the *Summa*, which would be most welcome to this writer, might take its bearings from the frequency with which these objections quote the works of St. Augustine and Aristotle, two of Aquinas' greatest teachers.

his reason, and now we know that reason issues in human law. Finally, to repeat from Article 2, man is far more self-sufficient than the irrational animals, particularly now that we have seen that he has this natural law. Yet the animals have no divine law, so why should man?

Aquinas gives four reasons for the necessity of the divine law, and in so doing responds to these objections. First, man needs the divine law to direct him to his divine end. Law, we have been told, directs man to his end. If man's end were merely natural, then the natural law and its determinations in the human law would suffice for his governance. "But since man is ordained to an end of eternal happiness… it was necessary that, besides the natural and the human law, man should be directed to his end by a law given by God." As Aquinas will argue in Article 5, God has led man toward knowledge of this new end through the fulfillment of the Old Law through the New.[15] Second, "on account of the uncertainty of human judgment, especially on contingent and particular matters… it was necessary for man to be directed in his proper acts by a law given by God, for it is certain that such a law cannot err." Otherwise, "different people [will] form different judgments on human acts; whence also different and contrary laws result." This is a brilliant move. While repeatedly denying the objection that the uncertainty of man's judgment proves that it cannot be directed by some law, Aquinas acknowledges that man benefits from this gift of God, that he "may know without any doubt what he ought to do and what he ought to avoid." The third and fourth reasons are closely connected: "man is not competent to judge of interior movements, that are hidden, but only of exterior acts which appear," and "human law cannot punish or forbid all evil deeds." These are curious phrases for 21st-century moderns to hear from Aquinas, for he agrees that human laws are

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15 Article 5 is one of the most fascinating parts of the "Questions on Law," but Article 4 tells us enough about the nature of the divine law for our purposes.

bad at directing interior actions. As Aquinas quotes from Augustine's *De libero arbitrio*, "while aiming at doing away with all evils, [human laws] would do away with many good things, and would hinder the advance of the common good." Yet if human law cannot do such things, it does not mean that they do not need to be done: "yet for the perfection of virtue it is necessary for man to conduct himself aright in both kinds of acts [i.e. exterior and interior]." Divine law ensures that man learns and is corrected as to his interior life, "that no evil might remain unforbidden and unpunished."

The divine law guides man to an end beyond that proper to the natural law. But Aquinas then points out some problems with the natural law, or at least problems with the human perception of it. Human judgment about even mundane things can be uncertain, and even people who agree on ends can disagree on the proper means to that end. Human law, moreover, can "see" only what humans do, not what they think. Thus it can demand outward conformity, but it cannot cultivate true assent. It is worth noting that Aquinas invokes Augustine on the limitations of human law, for Aquinas has quoted him in several objections against the existence of natural law. The argument of Augustine does not deny a natural law that participates in the eternal law, Aquinas shows, but rather reveals that there is a delicate concert of laws, divine and human, which laws all fundamentally originate in God.

Article 6, the concluding article of Question 91, raises a surprising question: is there a "law of the *fomes* of sin"? Sin, as Aquinas defines it at *ST* I-II.71.1, is a vicious act, meaning that it is an action arising from a disposition to act against virtue. Thus it is voluntary and not in accord with reason (*ST* I-II.71.6).[16] The *fomes* is a poetic name for man's inclination or habitual impulse to sensuality (*ST* I-II.91.6 *respondeo*; cf. *ST*

16 Of course a virtuous person can occasionally do evil, but sin is characteristic of vicious habit, not virtuous habit. Aquinas explains vice and sin at *ST* I-II.71-89, as well as in his *De malo*.

III.27.3-4). This is the impulse St. Paul bemoans when he says, "I see another law in my members, fighting against the law of my mind" (Rom. 7:23). This law is a *deviatio a lege rationis*: a "deviation from the law of reason" that affects all men, but particularly those who give in to their bodily appetites. It came about "when man turned his back on God," in other words, the Fall. A law may incline a subject to a certain end, which is a "direct" inclination, or the inclination may be "indirect," whereby "the very fact that a lawgiver deprives a subject of some dignity, the latter passes into another order." So man is to be ruled by reason, but, falling away from it, man is under the "law" of sin. The law of *fomes*, neither based on reason nor directed toward the common good, is not strictly speaking a law. But it is a "law" insofar as it is a sign of divine justice.[17]

Aquinas has already made clear that natural law is not the whole of eternal law, and that the limitations of human judgment and the vagaries of practical affairs place considerable constraints on the legislation and execution of human laws. But in Article 6 Aquinas says more: if man is directed in principle by the law of reason, he must also contend with a law that inclines him away from the common good. The law warns us that men will often act against reason and the common good. As Aquinas will later explain, the natural law cannot be removed from man's conscience. But its secondary precepts can be "blotted out" when reason is made the slave of the body and the passions (*ST* I-II.94.6).[18]

Thus we have assayed the four elements of law and the five kinds of law. I do not intend to proceed through Questions 92-108, gripping as they are. For our current

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17 The law of *fomes* will remind some of Giorgio Agamben's "law of exclusion," and Aquinas perhaps has the same Roman background in mind (Agamben 1998). Agamben's law concerns the "spell of law" the criminal remains under by virtue of his violation of it, whereby he is removed from its protection. The "law," then, is the state of his punishment.

18 Cf. Aristotle, *Nicomachean Ethics* X.1179a33-1181b24

purposes, Questions 90-1 suffice for defining the natural law in itself and in relation to the other laws, conclusions that Aquinas assumes rather than explicates in Question 94. Moreover, insofar as we cannot expect the accounts of law in *De Regno* and the *Summa* to be identical in every detail, we might suspect that the broad arguments of Questions 90-1 are more likely than those of 92-108 to comport with the arguments of *De Regno*. We may, in any event, return to portions of those later questions should they prove helpful to our treatment of *De Regno*.

We now have some sense of what the natural law is in the *Summa Theologiae*: the natural law is man's participation in the eternal law. Because of man's rational nature, the eternal law directs him in a special way, as it grants him a share in his own direction to his end. The natural law is thus a sign of man's freedom, a freedom subject to prudential judgments of contingent practical circumstances. The human law is the determination of this participation, the joint fruit of man's inclinations and the reason whereby he governs himself and others. Yet the whole purpose of law is man's end, an end that man sees most clearly through the divine law. Thus, as we saw in Article 4, divine law is critical to our knowledge of the natural law and for the support of the human law. The law of sin is not insuperable, but it is a law with which humans must always contend.

We can perhaps recast this conclusion in light of the work of Yves Simon. Simon has drawn attention to the "three foci" of the natural law: God, man and nature. As Hittinger ably recounts it:

> In the first place, natural law can be regarded as a matter of propositions or precepts that are first in the order of practical cognition… In the second place, natural law can be regarded as an issue of nature or human nature, in which case it is a problem not only of epistemology and logic but also of how practical reason is situated in a broader order of causality. Third, natural law can be approached

> not only as order in the mind or order in nature but also as an ordinance of a divine lawgiver.[19]

We have seen these foci in Aquinas' account: natural law as directive of man's action, as in the order of things and thus naturally knowable, and ultimately coming from God. What we have not seen, as Hittinger points out, is any suggestion that the natural law can be reduced to anything in creation, whether the mind of man or nature. "The fact that we first perceive ourselves discovering or grasping a rule of action," Hittinger argues, "does not mean that the human mind is first in the causal order, or in the ultimate order of being."[20] The natural law is a share and participation in the eternal law, and paradoxically it is only "natural" because of this divine origin. Because of this divine origin, moreover, we cannot forget that God is always behind the law that governs man: the whole of His revelation to man must be considered, including the divine law.

NATURAL LAW AND *DE REGNO*

Now that we have some sense of the definition and significance of the natural law, I propose to investigate key moments of *De Regno* to explore the possible presence of natural law therein. Granted that the phrase "natural law" is absent from *De Regno*, can we yet discern some elements or clues of that law? And if we can uncover some such elements or clues, do they cohere as the natural law? Why does Aquinas never mention the natural law by name? Is this silence connected to the silence of Aquinas on law more generally in *De Regno*?

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19 Hittinger 2003, 4

20 Hittinger 2003, 9

As we have advanced through an extensive exegesis of *De Regno* in Chapter 1-3 of this dissertation, in this chapter I will assume the basic tripartite structure of the work set out therein: I.1-6, I.7-12 and II. While these divisions should be employed no further than they are useful, I would suggest that they will remain helpful for assaying our present concerns.

I.1-6, we noted, has two distinct parts. First, Aquinas lays out the necessity of political authority and argues for kingship as the regime that best fulfills the end of that authority (I.1-2). Second, he discusses tyranny, including its causes, its effects and the proper response of citizens to it (I.3-6). One could also divide this section into political authority as such (I.1) and the best and worst regimes (I.2-6).[21] Yet what caught our attention was not Aquinas' regime typology, but the degree to which he dwells on tyranny as a theoretical and practical problem. Aquinas devotes scant paragraphs on the best regime before asking at some length what causes tyranny, why it inevitably fails, and what can prevent or end tyranny.[22] Even if extant manuscripts lack the purportedly missing section of I.6 on preventing tyranny, the general tenor of I.3-6 is bleak.[23]

In I.1-2 Aquinas presents a picture of rational and peaceful politics, but in I.3-6 the will and violence come to the fore. Aquinas explains in I.1 that man "has an end to which his whole life and all his actions are ordered" (3), an end that he attains with "the light of reason," which is "placed by nature in every man" (4), and in society (5-7). Indeed, man does not simply pursue his own private good through society: as a free man (*liber*) he seeks the common good of the multitude of free men (10). Such social activity requires political governance: "If, then, it is natural for man to live in the society of

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21 Eschmann 1949 does this (xxi).

22 Keys 2006, 64

23 Eschmann 1949 calls this discussion "remarkable," (xviii).

many, it is necessary that there exist among men some means by which the group may be governed" (8). A necessity born of nature is a natural or intrinsic necessity; it is thus natural that man should implement the "means by which the group may be governed." Government must seek good and avoid evil, then (10). Thus tyranny, or that rule directed against the common good, is "unnatural": it is not in conformity with man's nature or character as a political being, and it works against the nature of governance, which arises to secure the common good (11). Aquinas argues that history shows that monarchy is the best regime, although he does not claim that all peoples in all times and places have recognized and acted upon this fact, or that monarchy spontaneously leads to the perfection of a community.[24] Far from it: "history" is instructive precisely because of its ambiguity. It often happens that "provinces or cities… are torn with dissensions and tossed about without peace" (20), and while it would behoove them to follow the example of monarchical rule in nature, whether that of the bee over the hive, of reason in the soul, or of God in the cosmos, this is rarely the course of action humans adopt (19).

This discussion sets us up for I.3-6, in which the regime of reason is put to the test. The best government, monarchy, follows "the order of Divine Providence, which disposes everything in the best way." Man's "providence," so to speak, lies dormant when the tyrant rules by force and according to his ever-changing desires rather than by reason (26). His actions are not directed to the common good of the multitude, and the effects of his action are directly opposed to that good: he has to suppress them and stamp out any virtue that might be used against him (28). He threatens marriage, offspring, friendship and the very lives of his subjects, utterly destroying the social basis of the polity (28-9).

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[24] Recall from our discussion of I.6 that Aquinas has not ruled out a "tempered" monarchy as he argues for in *ST* I-II 105.

Vicious rulers can undo a society, but often those rulers rise to the top because of vicious citizens (33-4), and perfectly virtuous rulers can be undone by citizens who lack a commitment to the common good (31). When Aquinas urges that the best resistance to tyranny is the prayerful conversion of citizens, he likely also means it as the best prevention of tyranny (51-2). Throughout I.3-6, Aquinas attests to the pervasive and enduring corruption of men and their political activity. Many in fact do not seek the good, or rather seek something that is only an apparent good. Political institutions and laws apparently routinely fail to prevent such outcomes, making all the more urgent: from whence comes this perversity, and wherein lies its remedy? Aquinas' enigmatic "Therefore sin must be obliterated, that the plague of tyrants may cease" is all he says directly (52).[25]

Let us consider what we have read thus far. Man acts by reason for the common good and in a manner recognizing and, indeed, emulating the divine providence behind things. He clearly proceeds, moreover, from inclinations to live in society and to find what is good and true. Is this not something very much like the natural law? The promulgator of this would-be-law, however, is mysterious. This is for two reasons: first, because Aquinas never specifically mentions the human legislator that would have to enact ordinances for this community. Second, more interestingly, because it would seem that man in following the pattern of God's rule is in the first place acknowledging God's legislative acts whereby creation is ordered. Aquinas takes particular care to emphasize that the actions of the human ruler stem from man's natural necessities, and these necessities reflect God's design. Yet man apparently has a choice in how he responds to these necessities: the best community is one of free [*liberi*] men rather than *servi*, meaning that they act for their own good rather than for that of another.

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25 *Tollenda est igitur culpa, ut cesset a tyrannorum plaga.*

Yet Aquinas does not once use the word *lex* in this section, much less *lex naturalis* or *lex humana*. He does, to be sure, use *iustitia* and *iustum*. And for all that we have said, what seems to emerge most clearly in I.1-2 is not this or that law, or even law as such, but authority. What I mean by "authority" is not the technical language of "sovereignty" of Hobbes, Bodin or Weber, but simply the moral agent with some directive care for his community. Aquinas, in establishing political authority as both arising from man's nature and in the image of God, wants to highlight such authority as both natural and rational. Man as a rational creature has a kind of providence by which he provides for the natural needs of himself, his family and his fellow men. Particular men, in turn, can be designated by their community to direct that multitude in its pursuit of the common good.[26] But such men are only explicable as political agents precisely because they are moral actors. The authority in question would certainly be a lawgiver, but there is no indication that Aquinas means to isolate that element of his office. So it is possible that here Aquinas is interested in the full range of the moral life and its foundations rather than just law.

In so pointing to God and man as the authors of order, it is not a great leap to the eternal law and human law. But what about the natural law? We saw in *ST* I-II.91.2 that natural law is the same law as the eternal, yet reflected in man rather than originating in God. Insofar as man knows this eternal law, then, it is natural law, regardless of how far he acts upon it. What man applies of his knowledge of the eternal law, whether he knows God to be its author or not, is also the natural law. In a sense, then, the best "clue" for the natural law is this formative link between the legislation of man and God. Indubitably man's execution of such a link requires other things, notably prudence. But for man to

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[26] Cf. Simon 1953, 144-194 on the designation and transmission of political authority

bring prudence to bear, there must be something upon which he might bring it to bear. Thus natural law.[27]

But what of I.3-6? Perhaps Aquinas presents the eternal, natural and human laws in I.1-2. Yet the subsequent four chapters do not give heart to anyone expecting those laws to promote a rational paideia. Apparently man routinely and willfully flouts justice to secure what he wants, untroubled by his "natural" inclinations to seek his good through society and with others. Monarchy is the best regime according to reason and divine providence, but the people reject it as often as it lapses into tyranny. Aquinas does argue that monarchy lapses into tyranny less than does polyarchy, but this claim is no great comfort on the heels of his frank assessment of the ills of monarchy. Classical political philosophy makes clear the dangers of political ambition: once seated in power, the reward of virtue never seems to be enough. Thus the king who would rule in justice becomes the tyrannical perverter of truth and order.[28] But if the natural law is something that every person knows, it is the more extraordinary that ordinary citizens should also participate in the corruption of their regime. How strong can man's participation in the natural law be in such case? The operative law would seem to be that of sin, the *fomes*.

What we read in I.3-6 need not be a denial of the presence of those laws in *De Regno*, but it is worrisome given that politics is a practical concern, one in which what is desirable and what is possible do not always coincide. If it would be desirable for men to conduct themselves according to the natural law, it is nonetheless dangerous to organize politics around it if such conformity to the natural law is unlikely or improbable. This is indeed a great concern of Aquinas' thought, determined by ends as it is.[29] Must we say

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27 I do not mean for this to be a dispositive argument in terms of the role of virtue in *De Regno*, but only to lay aside such questions in the interim as secondary.

28 The classic studies are Plato's *Alcibiades* and Xenophon's *Education of Cyrus*.

29 Cf. *ST* I-II 96.2-3

that Aquinas promotes what Weber calls an "ethics of ultimate ends," according to which the end is to be pursued at all costs, regardless of its effects on the society?

Aquinas dwells on evil in politics rather more than we might expect someone attempting to persuade his audience of "political moralism" to do.[30] Aquinas does not present the concurrence of man's moral knowledge and habits with his political behavior as a fait accompli: Aquinas promises rather that this concurrence will be hard-won. He also acknowledges the roles that the passions and appetites for material and spiritual pleasures can play, factors that a strictly rationalist analysis would miss.[31] In short, Aquinas has given us reason to think that the natural law thinking we hold so central to his moral theology is irrelevant to *De Regno* and man's political activity. If what we need is a realism that underlines man's irrational and violent nature and attempts to mitigate the worst effects of those traits, then *De Regno* might show us the necessity of that realism, but it does not supply it.

Given our review of the *Summa Theologiae*, however, we would do well to recall the richness of Aquinas' mature moral theology, rooted as it is in a fulsome theological anthropology and metaphysics. Perhaps *De Regno*, as an early work of Aquinas, lacks much that we find in the *Summa*, meaning that in *De Regno* Aquinas simply cannot tackle the difficulties we have raised.[32] His investigations in *De Regno*, in fact, may have spurred Aquinas on to a deeper study of Aristotle's *Ethics* and Augustine's *Commentary on the "Sermon on the Mount,"* both thought to be pivotal to Aquinas' composition of the

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30 I intentionally use a phrase that has regained currency in contemporary political and moral philosophy, especially in the works of Bernard Williams and Raymond Geuss.

31 Cf. Fortin 1996, 210-11 and his perhaps intentionally misleading account of natural law (Cf. Guerra 2010, 102-6)

32 Eschmann 1949, xxvi-xxx.

Secunda pars of the *Summa*.[33] Then again, we have only begun to read *De Regno*. Perhaps we should continue reading. We should bear in mind, however, the emphasis of Aquinas on the naturalness of political authority but also evil in politics.

I.7-12, as we have seen, marks a profound break with I.1-6. Its traditional title, *De Praemio Regis*, tells us a great deal: it indicates a shift from the tyrant to the king, and from the blame-worthy actions of the tyrant to the praise-worthy ministry of the king. This suggests that Aquinas will return in *De Praemio Regis* to the office of the king, discussion of which he abandoned after I.2, and that he will explain why the morass he describes in I.3-6 is not inevitable.

I.7-9 make clear what seems implicit in I.3-6: earthly goods, including glory and honor, are fine things, but they are not the best things. Aquinas argues for the insufficiency of such ends in I.7 entirely on the basis of natural reason, in the tradition of Aristotle and Cicero. So what is the proper reward of the king? It is beatitude, or the vision of God in Heaven (I.8). Here we have left natural reason, for only revelation can grant man such knowledge. Aquinas has argued at several points in *De Regno* that sound politics depends upon a knowledge of man's end, but only here has he made clear that this end can only be known through revelation. To be sure, philosophy can tell man that only something as universal and ultimate as God can be the source of man's end (63-5), but it cannot have discovered for itself that the providential and legislating God of Abraham is that end (62).[34] The king is a minister of God, and thus receives his reward for faithful service from God. Through such service the king helps his people, not only

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[33] It is interesting to see Pinckaers emphasize Augustine (1995, 134; 174) and MacIntyre Aristotle (1984, 177-80).

[34] We can thus distinguish between the order of discovery and the order of demonstration or proof in philosophy (Wippel 1984, 2-21 and Wippel 2007, 11-30; cf. D'Andrea 1992).

negatively in avoiding the dangers of becoming a vainglorious tyrant, but also positively in seeking to govern them toward what is alone the common good: God. The king therefore indeed merits honor and glory, but not as final ends (66).

I.9 ends on a curious note. The king deserves beatitude for serving God well, but he can receive this reward for service that fails or flounders. According to Gregory the Great, "when the sea is troubled by stormy waves, even an experienced sailor is bewildered" (73).[35] Politics can bring out the best in men, for those who only seem virtuous are unmasked as vicious once in power, while those who weather the great difficulties of politics with virtue intact are proven to everyone to be good. If the king is "tried in the work of virtue... [and] is found faithful," then he will yet receive his reward. Moreover, God recognizes that the king faces special temptations. Thus, "if through weakness they sometimes do amiss, they are rendered more excusable before men and more easily obtain forgiveness from God." Such forgiveness can be theirs if they offer "humility, mercy, and prayer for their sins."

There are at least three related points one might take from this section. First, this section echoes I.3-6 on the trials and tribulations of kingship. The tyrant makes life oppressive for everyone and frustrates the basic aims of his community. But the king's knowledge of man's end does not make politics easy, nor does it assure that the community will attain to its good. Aquinas frankly assesses the probability of success as dubious at best, and does not pretend to offer instant recipes or solutions to the intractable difficulties of politics. Second, if a ruler's knowledge of the end of man does not provide for a technology of politics, Aquinas nonetheless urges a political theology that acknowledges that man will suffer setbacks and even fail in the pursuit of that end. The

35 To the mediaeval mind, the analogy between a king and sailor would have been a conspicuous demotion of the king as navigator on the ship of state. Thanks to Andreas Kalyvas for this suggestion.

king must do his best and persevere, but Aquinas acknowledges that circumstances can make difficult or even impossible success, and that ambition and greed can tempt even the most virtuous men in power. The king does have a high standard up to which he ought to live, but these standards are motivated by no "idealism" on Aquinas' part. Aquinas can hardly be accused of utopianism.[36] Third, the king is a servant of God, but he is an exalted one. Unlike the *servus* who is rewarded or punished precisely insofar as he serves or fails to serve the interest of his master, the king can attain to beatitude by loving and offering himself up to God. Aquinas thus reinforces and extends our conclusion from I.1-2 according to which political authority is natural and good, and that the king as a servant of God has a liberty to choose that service. The king not only reaps the natural rewards of such service, namely honor and glory, but these rewards are indeed insufficient without the supernatural reward of that service. As it happens, the king receives that reward as the fruit of his virtue, even if that virtue is frustrated by external circumstances, as is so often the case.

All of this, naturally, works to reduce the temptations of tyranny. Thus the tyrant in I.10-11 becomes "the fool": given the vagaries of politics, he often loses the earthly goods that he seeks, and he always loses the heavenly ones that he should seek but does not.

While one can cast doubt on the presence of the eternal and natural law in I.1-6, it would be difficult to deny that of another law in *De Praemio Regis*: the divine law. Divine law is God's revelation, instructing man in the content and pursuit of his supernatural end (*ST* I-II.91.4; 98-108). Aquinas speaks of precisely such things in I.8-9. He makes clear that man's supernatural end is beatitude, he establishes its basis in divine

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36 Cf. Maritain on Machiavelli in *Man and the State* (56-62) and "The End of Machiavellianism" (1942). Thanks to Chris Wolfe for thoughts on this point.

revelation, and he completes the argument of I.1-2 by arguing for such beatitude as the final end of man's activity. Even if one agrees that the subject matter of *De Praemio Regis* is the divine law, however, one can still be perplexed as to why Aquinas would invoke such a law after his incomplete discussion of the eternal and natural laws in I.1-6. I.3-6 raises doubts, we note, that such laws can direct man's politics to the good, and the discussion of the king who fails yet is still rewarded perhaps only exacerbates such concerns.

Charles McCoy offers the beginnings of a solution to this question.[37] As we saw in ST I-II.91.4, the divine law plays a pivotal role in the political thought of Aquinas. First, it gives man knowledge of what he cannot otherwise know, namely knowledge of his supernatural end. Second, the divine law serves as a forceful reminder of what man ought to know but does not. Man needs such a reminder because of his vicious tendencies. McCoy does not claim anymore than does Aquinas that man is in a Calvinist state of depravity. Au contraire, the divine law addresses itself to man's reason precisely because his faculty of reason is not maimed. But man does encounter characteristic obstacles to his knowledge of the natural law, as we also noted in Aquinas' explanations of the "law of sin." Man can be better than he knows, and he requires a reminder of this fact. Third, the divine law does what the human law simply cannot. McCoy notes: "The perfection of liberty must come through a law that, by reaching the interior movements of

37 McCoy's *The Structure of Political Thought* (1963) is a neglected classic, in the reading of which I was aided by Haggerty 2008 and Neumayr 2011. I hope in the future to consider some of the arguments of McCoy in relation to those of Ernest Fortin. Thanks to Father James Schall, Mark Henrie, Matthew Peterson and Chris Wolfe for their thoughts on McCoy.

the soul, forbids and prescribes, rewards and punishes without compelling. And this perfection of freedom is the end at which every lawgiver aims."[38]

In the light of such arguments, it is clearer how I.7-12 constitutes a response to the problems of I.1-6. Aquinas indeed returns in *De Praemio Regis* to the office of the king that he tables at I.3. The king who serves God will turn to the divine law, learning not just right from wrong, which most people have at least some sense of, but knowing that justice involves serving the common good and that God is the ultimate end of man. The king will moreover know the reward and punishment of justice and injustice, even if it does not come from his citizens. Such comprehensive knowledge is difficult for anyone to come by, and, to repeat, Aquinas does not claim or promise that its possession will lead to flourishing economies, robust democratic participation or justice and peace *in terris*. But he does claim that the king will weather the storm as well as anyone with this knowledge, and will continue to grow in virtue through it. Thus, as a measure of justice, the natural law will become as possible as it is desirable.

The tyrant, however, has no chance. If he does seek something slightly more noble – perhaps he really does want honor and glory – then he must go to extraordinary lengths to simulate the experience of his subjects granting him such things. And if some of his subjects will be willing, as the decline of Rome illustrates, it will be of benefit to no one. In Augustinian terms, we might say that I.1-6 shows Augustine's Two Cities in tension: *De Praemio Regis* promises their eschatological reunion. But Aquinas has made no effort in *De Regno* to disguise that man has great trouble in grasping the natural law,

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38 McCoy 1963, 154. Further: "Unlike civil law which, finding the common denominator, extends indifferently to all (*communiter proponitur*) and unlike the natural law, which reflects an objective order of essences, the divine positive law brings the perfect order of the common good by extending to individuals in their very diversity, in their being not all alike." Cf. McCoy 1989, 24-38.

much less in discerning how to apply it as human law.[39] Aquinas has made no effort, in other words, to re-unite prematurely the Two Cities. While he does not hide such facts in the *Questions on Law*, only in *De Regno* does he paint the picture of the regime failure induced by this amnesia or denial of the natural law.[40] What seems like a simple detail in the *Summa* becomes in *De Regno* a fact of signal importance. Politics is perhaps best understood as the history of man getting simple but fundamental things wrong.

We have seen Aquinas implicitly speak of the eternal and natural law (I.1-6) and, to our surprise, the divine law (I.7-12). There has been little thematic treatment of the human law, although it has at times been implied. As we turn to Book II, we must ask whether Aquinas proceeds to spell out in greater detail the relation between the laws, and further whether he speaks further of the human law. According to Eschmann, Book II is supposed to begin the practical section of *De Regno*. We know this from the prooemium and from the introduction to Book II. While he does not deny that Aquinas takes up practical matters in Book II, Eschmann thinks that at §103 Aquinas changes the subject.[41] Book II deviates quickly from its own plan, Eschmann urges, changing from discerning "the right practice of royal government… by studying the model of God's government of the universe" to "the ecclesiastico-political teaching on the relations between the two powers," i.e., the Church and "State."[42] Is this "two powers" discussion a digression, or is it a manner of approaching the right practice of royal government?

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39 *De Regno* seems to conform to the teaching of the *Summa* according to which everyone has some grasp of the primary precepts of the natural law, but fewer to its secondary precepts and only the wise to the tertiary (*ST* I-II 94.2; 100.1).

40 We might wonder if something of this kind would have come forth in Aquinas' *Commentary on the "Politics"* had he completed it.

41 Eschmann 1949, xix

42 Eschmann 1949, xix; see Brague 2007, 262.

Book II strikes the reader in the first place as a recapitulation of Book I. Promising to explain "what the kingly office is and what qualities the king should have," Aquinas suggests that "it seems best that we learn about the kingly office from the pattern of the regime of nature," given that "things which are in accordance with art are an imitation of the tings which are in accordance with nature" (93). From nature, moreover, "we accept the rules to act according to reason." Such arguments closely track the arguments of I.1-2, in which Aquinas demonstrates the excellence of monarchy through its relation to the rule of one in nature. In this restatement of that teaching, as we also noted in Chapter 3, Aquinas distinguishes so as to unite the government of God and man: there is a "universal government" whereby all things are governed, and the "particular government" whereby man is governed. The former government is headed by God, and the latter by man (94). There is a two-fold similitude between these governments: first, "in a certain manner [*quodammodo*] reason obtains in man as God obtains in the world"; and second, "the multitude of men is governed by the reason of one man" as God rules in the world. There is a key distinction between man and God, of course, and this distinction is grounded in creation: God created and governs the cosmos, with man as a part of that cosmos. Man does have a role in the "particular government" of himself and others, but this should not be mistaken for the role of God. Thus Aquinas elaborates at some length the distinction between creation and governance (96-101): creation sets the end of things, an end that government does not invent but rather discerns and to which it conforms.

If II.1 is a recapitulation of I.1-2, then I would suggest that it is a most telling restatement. For while we saw the great role played by eternal law in I.1-2, it would seem that here Aquinas means to highlight the natural law and its connection with the eternal law. Or perhaps that would be too hasty. For there is no direct reference to "law." Rather, Aquinas relates man to God through reason. True, this reason has a directive or governing

authority that supplies a government, whether general or particular, for a community, whether cosmic or terrestrial. Aquinas without a doubt foreshadows law here, but his emphasis on the providence of God that makes natural law possible in the first place.[43]

II.3 takes up the suggestion of II.1 that the government of man can be learned from how God governs the world, a lesson qualified by II.1. As government involves leading something to its proper end (103), we must ask to what end God governs. In the case of man, God governs toward two ends: man's natural happiness and final [*ultima*] beatitude (105). Man thus has two governments leading him to his two ends: the "natural government" of men, and the supernatural government of the Church. The end sought by the government of the Church is higher than that sought by natural and political government (107), and it is an end that cannot be secured through political government because it is beyond the reach of man (108). Thus the king must govern recognizing that the Church, and not the king, has final and supreme government over men. As the king is not the creator of men, he cannot dictate the end of man for which man was created, and cannot dictate any ends of man beyond that natural end. The king is neither a creator-god nor a *sōter*, a savior-god.[44] For such distinctions to be made, however, "spiritual things" must be clearly distinguished from "earthly things" (110), a discussion in which Aquinas forecloses the possibility of religion serving politics in a kind of Hobbesian political theology (110-13).

II.3 would seem to be a restatement of I.7-12, for it again raises the problem or question of divine law. In I.7-12, or *De Praemio Regis*, divine law is presented as the source of man's knowledge of his reward or end: beatitude. In II.3, revealed law is

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43 McCoy 1973, 264-70

44 Byzantine emperors often referred to themselves as "*Sōter*," a claim not only to hold royal authority from God, but as a terrestrial power uniquely instituted by Christ Himself. The resemblance to the nation-state comes to light in Cavanaugh 2011, 7-45.

presented as the source of a second authority on earth to govern man toward that end: the Church. The law has a double task, for if it proclaims the final end of man, it must also set the end man achieves in politics as intermediate.

This is a tricky business. Aquinas urges throughout *De Regno* that wise men from times untold have had a sense that man is destined for more than he can obtain on earth, that the spiritual nature of man yearns for more even as his material dimension is never satisfied. Yet attempts to explain such doubts to "politics" have never gone well, Socrates being the case in point. But Christian revelation provides politics with not just a doubt or a question as to whether politics obtains man's final end, but a rejection with great assurance that politics could do so. Thus the divine law has to set the end man achieves in politics as intermediate to that of his supernatural end, and also teach man that he has always stood on the threshold of such a possibility.

The divine law performs great labors. Eschmann worries that in II.3 Aquinas digresses from the topic announced in II.1: how a king should rule.[45] But Aquinas is following his statements to the letter: the king needs to know how God rules so that he himself may rule. But the king is of course not God, so he must rule not like God but as man. It will be vital for the king to see that he is not a creator and not steward of the final end of man. In recognizing the earthly ends that God has set for man, however, the king will see what his purpose ought to be in acting. Thus, as we noted in our study of the *Summa*, the divine law both teaches man new things and reminds him of what he could in principle know through unaided reason.[46]

It seems at the outset of II.4 that Aquinas will finally treat upon the human law thematically. Indeed, this section contains Aquinas' only use of the word *lex* in *De Regno*

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45 Eschmann 1949, xix

46 *ST* I-II.91.4

(121).[47] Aquinas begins by arguing that, "just as the king ought to be subject to the divine government administered by the office of the priesthood, so he ought to preside over all human offices, and regulate them by the rule of his government" (114). According to this way of viewing it, the divine law serves as a divine guarantee of political authority, articulating the rule of the state within its place in cosmic governance. Again, then, as we saw in II.3: Christianity exalts politics as it subordinates it to the divine. Moreover, if the activities of the king are to be intermediate to those of the Church, then it behooves him to have some knowledge of this end of beatitude, so as to learn how "to promote the good life of the multitude in such a way as to make it suitable for the attainment of heavenly happiness" (115). Thus the king should be "taught the divine law" (116). Note that Aquinas does not claim that the king needs to read the Bible to know how to rule as such, although this could be implied by what he says. Aquinas rather argues that the king ought to consult revelation so that he may direct his own efforts to the final one. In other words Aquinas does not directly question the ability of the king to discern and execute his duties as king. Aquinas does, however, ask the king to scrutinize their conformity to the final end of man.

As we have already seen, Aquinas proceeds in what remains of II.4 to lay down the duties of the king and what obstructs them. For our purposes, we might note that the obstructions that Aquinas describes seem to track closely with the ills of tyranny raised in I.3-6 and with the obstacles of man's apprehension of the natural law in *ST* I-II.91.4. "Now there are three things," Aquinas argues, "by which the public good is not permitted to endure…"[48] To repeat our earlier study, they are mortality, the perversity of will of citizens, and the attacks of other communities (119). The latter two, I earlier suggested,

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47 That the law in question is the law of God we will leave aside for now.

48 *Sunt autem tria, quibus bonum publicum permanere non sinitur…*

overlap: external attacks occur at least in part because of the perversity of will of others outside the community, but also because of the perverse wills of those within that community to the extent that they fail to establish peace with other societies.[49]

It would be difficult to condense Aquinas' criticisms of tyranny in I.3-6 to bullet points, but he has therein something in mind like the troubles of II.4. The tyrant denies his own mortality, is profoundly perverse of will and encourages others in his regime to be so, and invites external attacks both insofar as he weakens his state and as he engages in vainglorious and needless foreign exploits. The tyrant elevates his perversity into a regime-wide way of life, if it can be called that, which is precisely the conditions that would test a people morally: will they resist and restore good morals and justice, or will they be co-opted for material reasons or for lack of fortitude? The risk of course, as Aristotle would also agree, is that the citizens thereby accept the tyrant's pretense to immortality, taking his willful caprice as the standard for justice.[50]

As for difficulties with apprehending the natural law, we noted that the secondary precepts of the natural law can be entirely blotted out from man: such blotting stems from perversity of will, often as passed down through the mores of a culture.[51] I would also note that, of the three inclinations that undergird the natural law, two of these factors directly work against the problems here: the inclination to self-preservation and the inclination to live in peace and truth with others. One ought to take care for one's life, but one should be willing to sacrifice that for higher goods. Similarly, those who refuse to live in peace with their neighbors have arbitrarily restricted a regard for truth and goodness to those of their own community. A difficulty arises, however, when a lack of

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49 In view of this section and I.2-6, *De Regno* would seem to have a substantial teaching on war and international relations.

50 *Politics* 1285b33-1286b27

51 *ST* I-II 94.6

regard for other peoples begins to impinge upon one's own. We moderns did not need to wait for "globalization" to know this.

These problems have political remedies, but a proper approach to such remedies must accord a central role to the divine law: to remind man of his higher calling. The natural law is not a panacea. Men know it and reject it as often as they fail to apprehend its precepts and act in ignorance of them. Where it must be strengthened, the divine law steps in. Even were man's knowledge of the natural law perfect, however, he would still need the divine law for knowledge of his supernatural end, as Aquinas makes clear at I.7-12 and II.4. With specific reference to our *minister Dei*, Aquinas seems to argue that it would not be enough for the king to know the precepts of the natural law as the thoughtful fruit of man's phronesis. The king rather needs to see the author of the natural law as God, and thus the natural law as not originating from man, but rather participated in by man. The king must direct his community to beatitude, and thus all his actions must be directed to that great final end. This king cannot afford to meander aimlessly toward the end of the natural law. Moreover, although Aquinas never argues that man needs to know God as the author of the natural law to grasp its precepts, he does make clear that not knowing this is blame-worthy.[52] Such ignorance would be doubly blameworthy for a king, because he ought to lead his people to virtue. The cultivation of virtue can be a hazardous business when its final end, "happiness," remains obscure and its sole obvious avenue, man's reason, appears so frail.

This perhaps explains in part why Socrates sought to quell political ambition with his failed Kallipolis and why Cicero saw a need to praise both the political and the philosophical life, even though deep tensions between them were made clear by Aristotle.

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52 *ST* I 2.1; II-II 85.1; and *SCG* III 38

Yet the divine law of Christ reveals the end, beatitude, and the means, grace, in which and whereby man can finally be reconciled with his own fullest nature.

WHITHER NATURAL LAW?

By this point we can be fairly certain that the natural law lurks within *De Regno*, even basing this search upon only the broadest definition of the *Summa Theologiae*. Yet granted that Aquinas' chief aim is grounding the moral and political life of man in God, as is clear from his frequent recourse to the naturalness and divine sanction of man's political authority, one might think that his concern is less with the multiple kinds of law as discussed in the *Questions on Law* than with law simply as originating with God and as enacted by man. One might even argue that Aquinas is not concerned with law at all in *De Regno*, but with some other moral concept like virtue.

One might object that there is no way to know whether in *De Regno* Aquinas simply sees law as human and divine, as some would say of Augustine, especially as *De Regno* was composed before the *Summa Theologiae* and its exhaustive taxonomy of law.[53] To this we might say two things. There are several reasons in *De Regno* to think that Aquinas has several notions of law in mind, as we have compassed. Further, the distinction between laws at *ST* I-II.91 is not wholly original to Aquinas, so we need not insist that he could not have known of it prior to his composition of the *Summa*.[54] Yet there could be a certain truth to this claim. Just as Augustine's notion of law seems compatible with Aquinas' more differentiated legal schema[55], so Aquinas' presentation of

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53 Augustine does sometimes speak of *lex naturalis*, e.g. *De Diversis Questionibus Octoginta Tribus* 53.2.

54 Kossel in Pope 2002, 386-8

55 Hittinger 2003, xxi-xxii

law in *De Regno* might be consonant with his richer elaboration of the *Summa*, and indeed could reveal or clarify something foundational about the latter. What foundation could that be? Just what our hypothetical critic suggests: the relation between God's law and man's law. This is the question of participation.

As we have already gleaned from the *Summa*, the participation of the rational creature in the eternal law is crucial to Aquinas' understanding of natural law and to his teaching on man's relation to God more generally.[56] "Participation" has a long and ambiguous history in the canons of philosophy, and is in some sense an answer to questions about the relation of the one to the many, or between creator and creatures.[57] For Aquinas participation means the ordering of creatures to God, both insofar as they proceed in their being from His own being as effect from cause, and insofar as God moves and governs their operations through the eternal law. In the rational creature, God imprints the principles of the eternal law upon the intellect, so that intellectual creatures, most notably man, can partake of a share of God's providence.[58] It is a bold metaphysical position that fears neither reducing man in elevating God nor sullying the high in granting that it stoops down to the low.[59]

The human being as rational can participate in the eternal law cognitively through the natural law: he shares in a higher intellect, a share that Aquinas at times calls a "spark" (*scintilla*), and this intellect is the foundation of the law that moves us to virtuous

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56 Viz. *ST* I-II.91.2. Rziha 2009 discusses the recovery of *participatio* in Aquinas' moral theology (6-28).

57 See Anscombe 1991, and Socrates' discussion with Parmenides in the *Parmenides* (130e-134e).

58 Fabro 1974, 453-61. In a similar vein, Aquinas suggests in his *Commentary* on Aristotle's *Nicomachean Ethics* that "what is principal in man" is "a thing found most perfectly in superior substances but imperfectly and by participation, as it were, in man." (*Comm NE VI,* 1 n.2110 on 1177b31-1178a8)

59 Fabro 1974, 477, footnote 33

action toward the good.[60] Man's habit of apprehension of this "spark" is synderesis.[61] Through synderesis humans can freely direct themselves to their ends, insofar as the will is conformed to reason as habituated through the virtue of prudence.[62] It is in this way that "the natural law is the practical intellect's natural cognitive participation in eternal law."[63] Participation thus reconciles two seemingly disparate intuitions of the moral order: that man chooses his end in his own freedom, and that man depends upon God for direction toward his end. God creates man to choose the end that God reveals as good and ultimate.[64]

It would be easy to unsettle the fine balance constituting the doctrine of participation, namely by emphasizing one half of this dynamic at the cost of the other. Undercut man's freedom, and one makes man God's slave, as in the teaching of Ockham or al-Ghazali. Deny God's foundational role in every human act, and one ends up with a deism that obliterates God's providence.[65] The error need not be theoretical, especially in the latter case. Man can err practically against participation simply by forgetting or neglecting his dependence upon God in making use of his freedom, a temptation all too present for an embodied soul living in time. In such instances it becomes easy for man to

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60 *ST* I 79.12-13 and *De veritate* I.16-17.1-2. Aquinas locates the *fons* of synderesis in Saint Jerome's commentary on Ezekiel (*ST* I 79.13), although it seems to be in Aquinas' own *Commentary on Aristotle's "Nicomachean Ethics"* that he moves beyond Jerome to link synderesis to prudence (*Comm NE* VII, 1-4). Synderesis appears only at *ST* I-II 94.1 ad 2 in the "Questions on Law," prompting West to speculate, with the support of Crowe 1977, that synderesis has less significance for Aquinas in his later works (West 2006, 24).

61 *II Sententia*, d. 39, q. III, a. 1

62 *ST* II-II.47.5 ad 1

63 Rziha 2009, 104, paraphrasing and elaborating on *ST* I-II.91.2

64 Rziha 2009, 1-3

65 Rziha 2009, 92

imagine himself as the source of this law and its creator. He can forget that he not only "measures" with law, but also is measured by it.[66]

Characterizing the natural law as man's participation in the eternal law helps us to answer both of our present questions: is the natural law in *De Regno*, and, if so, why does he never explicitly discuss the concept? Yes, the natural law is in *De Regno*: natural law as "between" eternal and human law is precisely what we uncovered in our analysis of the text. The prince would not need to know a full-blown theory of participation, of course, nor could he be expected to understand it. But although Aquinas does not mean to turn princes into theologian-kings, he does want to lay down how they can become good men and rulers. His direct concern would be enlivening the prince's sense of participation in the eternal law rather than teaching him the theory of participation. And to what end? The point of law, after all, is the service of some common good. Thus man is not only steward of the eternal law, but of the common good that it promotes. Aquinas is guarding against the kind of "political deism" that would mistake a steward for a creator.

So why not name that natural law? After all, this is a pedagogical work. Ought Aquinas not to make clear distinctions between key concepts, clarifying their basis and end, and disabusing the reader of misconceptions of them? As a preface to my answer to this question, let me re-iterate that, just because it is a pedagogical work, Aquinas need not be overly concerned with presenting the king with a taxonomy of law or articulating a completely theology of politics. After all, the addressee of this speculum, a king trying to consolidate his rule in a precarious political situation, has practical goals in mind. And while we have unearthed many rich theoretical dimensions of *De Regno*, much of what Aquinas explicitly argues has been practical. The *Questions on Law* in the *Summa Theologiae*, while a great source of wisdom, is clearly not the kind of text through which

66 *ST* I-II.90.1 ad 1

Aquinas means to teach our king. Indeed, not only has *De Regno* not been systematic in the manner of the *Summa*, but it has contained virtually no sustained discussions of virtue, the common good or law in general. It could be the case that Aquinas simply did not see the need to raise the issue of natural law except insofar as he needed to make practical points.

Granting this point, however, we might recall our earlier claims that *De Regno* offers a primarily indirect teaching, the manner in which Aquinas forces us to discover for ourselves the natural law being an example of this characteristic of the work.[67] Rather than asking why Aquinas never uses the phrase *lex naturalis*, we might ask why Aquinas teaches the king about natural law indirectly. The doctrine of participation reveals a possible answer to this question: in order to underline the basis and limitations of human law. Allow me to make three suggestions toward explaining this.

First, the natural law comes into view in *De Regno* as a participation in the eternal law because Aquinas wants our king to understand the natural law not in the first place as some distinct concept, but as his own awareness of the eternal law. In the first two chapters of *De Regno*, Aquinas speaks primarily of the divine providence whereby man was made for earth and men for each other. Thus man is by nature political and political authority is natural. Yet Aquinas' purpose herein is not to question or cast doubt on man's nature as political. He rather links it to God's creation and governance of the world, explicating the divine basis of man's society. Note also the priority of these activities: the weight of Aquinas' account in I.1-2 rests on God's creative rather than governing act, and this would be all the more reason to emphasize not the natural or human law, but the eternal law: man cannot after all create. Aquinas reinforces this claim

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67 The arguments of *De Regno* are indirect insofar as most of the theoretical claims of the work are raised implicitly; at least part of this indirection depends upon the lessons of I.3-6, which as we saw are primarily negative.

in his critique of founding myths at II.2. One might object that the king needs to have a firm understanding of the natural law as a kind of share in this eternal law. I concede this point, if only to clarify that the natural law is nothing without the eternal law, for which reason we and the king must have a clear vision of just what the eternal law is. This is the significance of Aquinas' argument according to which the natural law is "nothing but a participation" in the natural law: without the eternal law, there would be no natural law.[68] To make the claim even more radical: without God, there is no man. On this line of reasoning, Aquinas does not invoke the natural law because he wishes to train the attention of the king on his existential dependence upon the eternal law.

We see Aquinas striking this balance repeatedly in *De Regno*, moments wherein our royal reader is exalted through his subordination to God and to His Church. Aquinas begins *De Regno* by flattering the king: he is as God in his kingdom (I.1-2). *De Regno*, or at least II.4, ends with the king diligently serving his people under the aegis of the Church. Between these two points, Aquinas urges the king that he receives his reward from God (I.8); that the king rules in his kingdom as God rules in the cosmos, but not as a creator (II.2) and not as a savior (II.3). He is a *minister Dei*: not God, but a servant of the highest. This dynamic emerges in the *Summa* as the argument that reason is in man as something measuring and measured, but more the former than the latter.[69]

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68 *Ad primum ergo dicendum quod ratio illa procederet, si lex naturalis esset aliquid diversum a lege aeterna. Non autem est nisi quaedam participatio eius, ut dictum est* (*ST* I-II.91.2 ad 1).

69 *ST* I-II.90.1, 91.3. Father Ernest Fortin characterizes Aquinas's political thought as a *via media* between radical Augustinians, who denied any distinction between nature and grace, and Christian Aristotelians (or Averroists), who took that distinction too far. Fortin claims that Aquinas failed to strike such a balance insofar as his teaching tends towards the Aristotelian, culminating in thinkers like Marsilius of Padua and Dante (Fortin 1996, 212; cf. Manent 1996, 3-10). While *De Regno* cannot speak for Aquinas' corpus on this matter, it certainly betrays no Averroistic tendencies.

This leads me to my second reason as to why Aquinas does not expressly denominate the natural law in *De Regno*. Aquinas wishes to present natural law as a challenge, not as an accomplishment, or as a question rather than a *factum brutum*. This may seem a strange claim: Aquinas after all thinks that the primary precepts of the natural law are known to all people in all places and times.[70] So how could it be anything other than given? Although Aquinas does not anywhere "prove" the existence or plausibility of the natural law in *De Regno*, he does makes references to man's inclinations and knowledge of good and evil. He further has much to say of the natural end toward which the natural law points (I.7-8; II.1). Thus we might return to our pedagogical preface: Aquinas relies upon the natural law as a background assumption but does not draw it out more than necessary for his purposes in teaching the Cypriot. Yet Aquinas makes clear in I.3-6 that such facts about humans are not easily translated into a just political order. In fact, human history suggests quite the opposite is characteristically the case.

In other words, one would not think from *De Regno* that the chief challenge of politics is identifying the ends of man. True, such identification is a worthy and important task. But it is after all the contention of Aquinas that all somehow know, not least due to classical political philosophy, that man's basic inclinations toward the good direct him to self-preservation and pro-creation, living in society and the true and divine.[71] Moreover, revelation gives us a clear-sighted view of man's supernatural end. The challenge, rather is to articulate those ends as of distinctly political concern, and then discern what significance those ends have for political practice. That discernment must be a dialectical

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70 *ST* I-II 94.4. Budziszewski (forthcoming) offers an illuminating and consensus-challenging treatment of Aquinas' famous comment on Julius Caesar and the thieving Germans.

71 *ST* I-II 94.2

activity, one that proceeds from what we think we already know, on the way to ordering a society to fulfill those ends according to the concrete possibilities of a given community. But note that this discernment, in turn, requires persuading political leaders to contemplate political life in order to recognize such difficulties. *De Regno* is a discursive letter and not a set of disputed questions precisely because Aquinas wishes to lead our king subtly toward an understanding of these teachings – an education that does not rely upon extensive scholastic training or great intelligence on the part of the king. Aquinas again does not present the natural law as a concept, as a silver bullet whereby man can reach his ends. Rather, natural law comes to sight as a series of concrete problems as to how man will make difficult decisions toward attaining those ends.

Third, then, we might suggest that when Aquinas does speak to the king of his own legislative authority (II.4), he wishes for the king to set his sights primarily upon the human law in the light of eternal law, not the natural law.[72] Or, to put it another way, Aquinas seeks to direct the king's attention not to the natural law as such, but as the proportion between the human and eternal law that man effects through his knowledge of the natural law. The challenge of natural law is to institute the good human law. Even in the perfect community, legislation has its difficulties. In the typical community, however, a ruler must negotiate all of the travails that Aquinas depicted at I.3-6 and II.4. He must do so with an eye to the concrete possibilities for building upon his people's virtue.[73] The king must, moreover, be persuaded to see himself as an object of inquiry and moral cultivation. After all, he seeks not power or honor but the good of his community, which good requires that he himself be good. For if man is more measured than a measure, then

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72 As we have noted, the only three explicit references to law in *De Regno* have been God's law (I.7), the law of Gaul under the Druids (II.3), and the king's human law (II.4).
73 *ST* I-II 94.3, 95.1, 96.2-3

the natural law is less something given to man than something that demands much of man.[74] And this is the balance we sought to strike earlier: man is a cooperator with God, and senses this cooperation as a kind of freedom even when he does not know God. This liberty gives man an incredible dignity among worldly things. Hence the ambiguity. Man enjoys this sharing in the eternal law but is not its giver; man cooperates with it but cannot control it. Man in his execution of the natural law is but a steward of the eternal law.

These reasons do not coerce Aquinas to remain silent on the natural law. He could have elected to use the term, arguing that it be understood in light of the preceding considerations. Yet his decision not to do so concords with his effort to underline for the king the particular problems in politics to which it speaks. This is in keeping with the primarily negative teaching of *De Regno*: rather than emphasize the necessity of the natural law as a solution to political problems, Aquinas emphasizes the difficulties of framing good human laws to meet those problems. Moreover, by the logic of my claims Aquinas could with perfect consistency have expressly discussed the natural law in Book II after guiding our king through the education of I.1-II.4.[75] By Book II, however, the focus of our king is on the dignity of the human law as a reflection of God's providence, and further on the need to work for the reform of his rule toward that level of excellence.

But note something more. We expect Aquinas to instruct the prince to subordinate his rule to that of God. Yet Aquinas inures him in this subordination not by denigrating

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74 *ST* I-II 91.2-3

75 As some take *De Regno* to be incomplete, I should add that nothing I have argued would have prevented Aquinas from discussing the natural law in a hypothetical chapter subsequent to II.4.

temporal life in the name of eternal life, but rather by affirming the importance of earthly living. [76]

As we noted in the introduction, we can hardly expect Aquinas to settle dispositively the number of and relation between man's ends in *De Regno*: the nature and purpose of the text do not conduce to such an inquiry. Yet, that said, we can see that Aquinas indicates at least partial answers to such questions insofar as they are helpful to the purpose of the work. After all, as we saw in I.3-6, Aquinas threatens the bad prince in the first place not with Hell, but with the hell-on-earth that are the natural consequences of tyranny. And while Aquinas does see Heaven as the final end of good rule, this reward is gained for ruling on behalf of the common good of the temporal community. Against the common complaint that Christianity views man's temporal existence as purely instrumental to his supernatural one, Aquinas clearly means to avoid any facile distinction between this life and the next one. [77] The thesis of participation, after all, proposes that man's freedom is divinely grounded. As Book II makes clear, divine law has its place, but not one that eliminates the natural law. The prince serves directly the temporal common good, and only indirectly man's spiritual common goods; the latter is the province of the Church (II.3). This teaching is a clear blow to dreams (or fears) of

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76 Cf. Strauss 1953, 144-5

77 As Maritain writes: "The temporal order would be subordinate to the spiritual, no longer, of course, as an instrumental agent, as was often the case in the Middle Ages, but as a *less elevated agent*; and above all, the earthly common good would no longer be taken as a mere means in relation to eternal life, but as what it essentially is in this regard, namely, as an *intermediary or infravalent end*" (Maritain 1968, 177; emphasis in

theocracy, and reinforces our conclusion in I.1-6 about the weakness of the analogy between divine and human government.[78] The king is the people's vicar, not God's.[79] This is not a "secular" argument, to be sure. But it is an argument for seeing politics as a serious and noble endeavor.

Thus participation lies at the heart not only of Aquinas' doctrine of natural law, but also of his practical teaching of it as advanced in *De Regno*. It is, moreover, intrinsically connected to a great theme of *De Regno*: man's end. I would again argue for the centrality of "The Reward of the King" (1.7-12) to *De Regno*. By making man's end the central concern of political philosophy, Aquinas can make central to politics how the prince, in serving man's temporal end, might serve the rule of God. Man's ultimate end is set by God, and in seeking goods short of God, even very great goods, such as that of the *pacis unitas* of the city (I.2), all such goods must remain intermediate to God as man's end. In this way the natural law that governs man is but man's share in the eternal wisdom of God. The natural law is not presented as a burden or an extrinsic duty, but rather as the guide and measure of all men seeking their end. As the "Reward of the King" makes clear, it is not only the good of the king as an individual and ruler that he thus promotes, but that of all men in his domain. This is yet another way Aquinas lays the foundation of natural law, for he grounds the common good of man in God, and responds to the suggestion that virtue and not the natural law is at the heart of *De Regno*: they are

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original). It is worth recalling Maritain's claim that Aquinas was too great a thinker to be representative of the thought of his age (Maritain, 1968, 12-13).

78 Jordan 1992, 167-68

both subordinate to end.[80] If the virtue of something is its excellence, and its "virtues" the habits whereby it lives out that excellence, then God's law supplies the definitive knowledge of that excellence because it tells man in what his end consists, the end toward which all of man's virtues must be directed.[81] To be sure, the king as a minister Dei must seek to be like God, and this is a question of virtue. But consider: who or what tells the king that he is to be like God? What and Who is God? What the virtues of the godly king are? In what ways the king cannot be like God, i.e. as creator and savior? The answer to all of these questions is the divine law.

In conclusion, it seems that a certain "pincer movement" emerges from *De Regno*: the natural law comes to man from within and the divine law descends to man from above. Between them one can discern the human law: where man can recognize his participation in the eternal law, knowing that it directs him to seek the good, and thereby disposes him to be open to the supernatural gift promised to him.[82] This is indeed a profoundly Augustinian teaching, and one that Thomas is not afraid to make his own.

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79 cf. *ST* I-II 90.3

80 Guerra 2002 or Nelson 1992 about Aquinas' work generally

81 Consider MacIntyre in a postscript to *After Virtue*: "Any reconciliation of biblical theology and Aristotelianism would have to sustain a defense of the thesis that only a life constituted in key part by obedience to law could be as such as to exhibit fully those virtues without which human beings cannot achieve their *telos*" (MacIntyre 2007, 278).

82 I am grateful to Russell Hittinger for the notion of this "pincer movement." (Cf. McCoy 1989, 37.)

CONCLUSION

I will conclude this chapter with three sets of conclusions: on *De Regno*, on the *Summa Theologiae* and on the natural law. First, our conclusions about *De Regno*. The natural law exists and matters in *De Regno*, but it is one of a range of important teachings. Political leaders are ambitious and need to be flattered: Aquinas does this from the beginning. But the flattery of Aquinas is not the lies and illusions of the courtesan, but rather the measured praise of the theologian who sets the office of the king to be noble and its duty arduous.[83] This flattery in fact is a challenge: a challenge to the king to see his duty as critical but not final. Thus in *De Regno* Aquinas promotes the divine law not as the justification of a fideist theocracy, but as a provocation to questions about the full range of man's excellence, the answers to which are frequently knowable through reason.[84] For politics to conduce fully to man's ends, however, in most situations political activity will depend upon divine law or revelation to point out man's final end and to "purify" reason and remind it of man's natural ends.[85] Man never loses his most basic understanding of right and wrong, Aquinas argues. The question is how many men permit their activity to be governed by such knowledge in a given regime, and whether this knowledge can be politically efficacious without the divine law. For precisely because man suffers imperfections in his intellect and will, he needs divine law not in the first

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83 Perhaps one might call it pedagogical flattery (*ST* II-II 115).

84 MacIntyre comes to a similar conclusion about the "Questions on Law" in his "Natural Law as Subversive" (2006).

85 I take the language of "purification" from Pope Benedict XVI in his encyclical *Caritas in veritate*, e.g., "Secularism and fundamentalism exclude the possibility of fruitful dialogue and effective cooperation between reason and religious faith. *Reason always stands in need of being purified by faith*: this also holds true for political reason, which must not consider itself omnipotent. For its part, *religion always needs to be purified by reason* in order to show its authentically human face. Any breach in this dialogue comes only at an enormous price to human development," (n. 56; emphasis in original).

instance to realize the perfection of politics, which will not happen in any event, but just to grant him the humility to recognize his limitations.[86] While an awkward phrase, I think "political deism" to be the great foe of this work. To ensure the proper presentation of the natural law, Aquinas builds the concept throughout *De Regno* rather than naming it.

Second, the *Summa Theologiae*. This chapter has been about reading *De Regno*, but it also bears upon how we read the *Questions on Law* in the *Summa*. Aquinas presents those questions in the context of a moral theology for theology students; we should not expect the same treatment for a different audience in *De Regno*. So we must ask: how does Aquinas' audience shape his presentation of the teaching in the *Summa*? To be clear, I do not argue that the *Summa Theologiae* is wrong or even different from *De Regno*; we are not even in a position to make such a claim given our procedure and focus on *De Regno* herein. Yet we have learned from *De Regno* a certain relation between the natural and divine law that does not emerge as clearly in the *Summa*. It is not at all clear from *De Regno* that Aquinas recognizes a "self-sufficient or self-contained realm of nature" whose law can be fully explicated without reference to God, an influential – and wrong – interpretation of the *Summa*.[87] Perhaps this is a problem of reading the Summa as though one could pluck questions out of the work and treat them in isolation. Yet it is also true that in the *Questions* the exigencies of political life are not Aquinas' chief concern. If Aquinas' stock is to rise in political science, we must be on guard lest his best-known work become tasked with duties he never intended for it.

Third and finally, our conclusions about the natural law. We did not seek to question the category of natural law. Indeed, we attempted to assay it from the *Summa Theologiae* and rather question what we thought we knew about *De Regno*. Yet at least

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86 On humility in politics, see Keys 2008 and Garrigou-Lagrange 1939.

87 Fortin 1996, 212; cf. *ST* I 103-5 and McCoy 1963, 191-7 (on Grotius).

one insight came into view: the natural law must be analyzed with reference to other laws. Indeed, it was through other laws that we discovered natural law in *De Regno*. This conclusion might seem trivial, but consider what observations we have collected. First: no divine law, no natural law. Perhaps the natural law could have been comprehensively grasped by man without the divine law, but that is not the world in which we now live. The divine law, moreover, reveals to us the *fomes* and the sources of man's weakness. Political theory must indeed be "realist" and confront the quasi-systematic manner in which man errs against other men and against the truths that order his society. I do not mean "realist" as it is often used, as a code for one's particular brand of pessimism.[88] Rather, we mean in touch with the real, what is. As Guerra argues, political theorists must "let the actual workings of concrete political life influence the tone and the content of their reflections."[89] Aquinas agrees, and in *De Regno* he lays out a politics that is "realist" in a substantive way. A theory that does not account for man's potential for excellence will distort the significance of his deficiencies and deny him the strengths he can gain from aspiring to be noble and other-serving, thus damning his communities to mediocrity. Thus the later theories of natural law (one thinks particularly of those of Hobbes and Grotius) that excise both the Fall and beatitude from their accounts are a far cry from that of Aquinas.[90]

These laws urge us to frame politics in term of what is characteristically best and worst in man. Our study of the natural law in *De Regno* underscores the need for leaders

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88 Not to be confused with metaphysical (ontological) realism.

89 Guerra 2010, 10

90 There might be good reasons for teaching and sharing the natural law without explicit reference to the divine law, e.g., if one is speaking with those who do not share faith in this law. Yet it is quite another thing to formulate a theory, in other words, to account for the order of being rather than the order of knowledge, as though there were no such law. Perhaps this is a failure of the "New Natural Law" school.

and citizens to grasp that man has a higher end. The right kind of politics sets the goals of that community before men without shying away from the difficulties involved in obtaining it and the patience required to lead citizens toward it. Aquinas' attention to the eternal law in I.1-2, as we noted in the section on participation, directs us to contemplate human law as the fruit of our pursuit of the good, a good we do not create but discover.[91]

In short, we need to think of the natural law not as an isolated doctrine of Aquinas' philosophy of law, or as an inflexible axiom from which to deduce his politics, but rather as a capacious vantage point from which to view manifold political phenomena. And in his striking defense of the inherent value of temporal life, Aquinas opens the possibility of broad conversations about the nature of the common good. While we cannot always agree on much in this pluralist age, we can appreciate Aquinas' fear that we will shrink from the task of promoting the common good because it is less than our final goal. Such false deliberation, in which communities consign themselves to mediocre goals or worse, arises precisely when communities stop thinking of themselves as meaningfully political, i.e. rationally directed to common goods. This deliberation is not only false, because communities have the deepest obligation to strive toward common goods, but also self-defeating: in so "deliberating" they render themselves vulnerable to tyranny. Aquinas can help us, this study suggests, prevent this difficulty by resisting the temptation to view political ends as merely instrumental, and to contemplate the goods sought in political life and the virtue we must cultivate to achieve them.[92]

But what kind of regime can emerge from Aquinas' prescriptions herein? For if the natural law is not as widely accessible as is sometimes claimed, then we cannot

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91 This is the difference between art and prudence (McCoy 1963 , 31-35 and 157-66 on Machiavelli).

92 See Froelich on Aquinas' elusive understanding of the common good (Froelich 1995, 43-53; cf. *ST* I-II 90.2.2).

construct a natural law-based "overlapping consensus." Yet the religious pluralism of our day makes a regime ordered by divine law equally impossible. In the next and concluding chapter of this dissertation, I will synthesize the central lessons of *De Regno* in search of answers to this question: what is the regime of *De Regno* in late modernity? I will argue that, for those living in an age where the most basic political principles are in doubt, the dialectical and aporetic nature of *De Regno* has much to recommend itself.

Chapter Five

This dissertation began with a question: can explicitly Christian principles be invoked and put into practice in political life without thereby rendering that politics fideistic, exclusionary and immoderate? I turned to *De Regno* for the grounds of an answer to this question. In what followed, we conducted a survey of the text (Chapters 1-3) and an inquiry into the status of the natural law in it (Chapter 4). In this fifth and final chapter, I will synthesize the conclusions of those efforts toward an answer to our question.

I particularly wish to single out two conclusions. First, as we explored in Chapters 1-3, Aquinas directs our king to think of politics in terms of education. When we spoke of the "developmental state" in Chapter 3, we suggested that Aquinas means to devise a sort of "practical teleology" of politics for the king. Politics has a goal or telos, but its attainment is subject to practical exigencies. In other words, politics must be defined both by the end sought through politics, and by the concrete condition of a given human community. Second, as we saw in Chapter 4, Aquinas desires that our king see the eternal and divine law as his tutors in this education. Human law depends upon natural law, it is true, but natural law is itself nothing other than a reflection of the eternal law, which is clarified and amplified by the divine law.[1] Thus Aquinas chooses to emphasize for the king the true basis and fulfillment of the natural law rather than that law itself. With these two principles in hand, the king can begin to build up the best regime for his people.

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1 For Aquinas' arguments to this effect in the *Summa Theologiae*, see *ST* I-II 100.1, where he argues that the moral precepts of the Old Law (the divine law of the Hebrews before Christ) are contained in the natural law, and Questions 106-7, where he claims that the New Divine Law (that announced by Christ and proclaimed in the Gospels) introduces no innovations in matters moral, although it does impart to man grace to strengthen man's ability to grasp and act according to the law.

There is thus an interior connection between these two teachings, for it is the divine law that reveals man's final end, and it is the eternal law that clarifies the basic inclinations of man that shape his daily activity.

In this chapter, then, we will ask toward what sort of community has Aquinas been building in *De Regno*. What is the best regime according to Thomas Aquinas? Can it be realized in our time? Just how rational, tolerant and moderate will it be? In this chapter I will lay out four considerations: the significance of the question of the best regime; the relation between regime form and end; the bearing of revelation upon the question of the best regime; and conclusions about Aquinas' political science. Our conclusion will reveal the intimate connection for pre-modern thinkers, and particularly for Aquinas, between the question of the best regime and the nature of the science of politics.

CLASSICAL REGIME ANALYSIS

The primacy of the best regime for classical political philosophy is perhaps a cliché, but like many clichés its meaning remains strange to the thoughtful. After all, do not thinkers of other times, including our own, reflect upon the best regime? Do they not ask what government suited to justice and peace ought to look like? And, in any event, how much can an inquiry into the best regime tell us about quotidian political life, which is often far from the "best," whatever that may be? Should we not be on our guard against "imagined republics"?[2]

These are helpful questions, because they allow us to draw out the distinctive character of much of classical political philosophy. First, ancient political philosophers

2 Machiavelli, *The Prince* XV.61

engaged in serious and critical inquiries into the best regime. "What is the best regime?" was a question with a number of potentially reasonable answers: Aristotle after all took it upon himself to survey the breadth of human political life to develop his taxonomy of regimes. By contrast, in general it has been difficult to find political thinkers in modernity who have argued for political regimes other than some sort of democracy, much less who have studied alternatives seriously beyond the residual "tyranny" or "authoritarian" categories. Indeed, our great debates have concerned not democracy vis-à-vis other regimes, but the proper justification of democracy: what is the best defense of democracy?[3]

Second, while the rule of the most virtuous man was optimal according to this ancient line of thought, it was generally recognized that other forms of government were legitimate. In other words, that monarchy was thought to be the best regime was not an argument in se against adopting other regime forms when that was prudent. Indeed, the best regime was the "regime of prayer," as Aristotle says: it was best, but for that very reason hardly common.[4] The regime advocated by Plato or Aristotle was not the one that they thought could obtain in most places and times: it was an aspiration rather than a lowest common denominator. Moreover, because it depended upon the right people living in the same place and the same time, with a relative paucity of obstacles to their political power, its coming into being was in some sense dependent upon chance, a subtle theme of Plato's *Republic*. In our time, democracy is the best and the only regime:

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3 It is notable that perhaps the greatest liberal political philosopher of the 20th century, John Rawls, nowhere questions the primacy of democracy. This "democratic exclusivism," moreover, is not just a theoretical attitude but a popular practical one of global proportions.

4 *Politics* 1331b21-2; cf. 1325b33-8. Aristotle's word "prayer," or εὐχή, can also be translated as "wish" or "hope," and should not be taken literally as an entreaty to the gods, if only because Aristotle's gods cannot or will not hear him (*Metaphysics* 12.6-10).

precisely because it is the best, no other regime will do. This is because although it is the best, we typically do not think that it is difficult to institute in most times and places.[5] The viability of democracy is rarely thought to depend upon the virtue of the people, as we shall discuss shortly, although a lack of democracy is often blamed upon the vice of elites. It is rather the force of the will of the people that inaugurates democracy. Solon has been replaced by the protester.

The difficulty of instituting the classical best regime introduces our third consideration. The different sorts of regimes, whether monarchy, aristocracy and so on, are the forms of the regime. Yet what is the matter of regimes? If these regimes types are the order of the regimes, what is the "stuff" that makes them up? The people in them. But people vary in many things, and most relevantly in virtue. It may be, then, that the degree of virtue possessed by a people determines the kind of regime form into which they can be ordered. Further, beyond the virtue of the people is the virtue of the specific ruling element, that ruling element itself being the regime.[6] Monarchy and aristocracy presuppose a high degree of virtue in one or a few men in a regime. But if they are not to be found, then those regime forms are not to be had by that community. The question of the best regime, then, is the question of the best man, or how closely the sort of citizen that arises from a regime approximates the best man.[7] What is the best life for man, and what city best provides it? Does any city fully provide such a life? Such questions do arise in modern political thought, of course, but only in the context of democracy: the sine qua non of just politics in our time is not some set of virtues that can be judged against the best man, but freedom, the only standard of which would seem to be more

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5 This has not always been the attitude of democratic theorists. See notably Mill's *Considerations on Representative Government.*

6 *Politics* 1278b8-14

7 Cf. *Apology* 20a-c and *Politics* 1276b16-78b5

freedom. While this freedom comes with some restrictions, and thinner or thicker norms about how it ought to be used, the question of what this freedom is to be used for is in the main left to the citizen as a private individual.

We begin to see the significance of this line of inquiry for quotidian politics: regimes form certain kinds of men, and the thoughtful person must ask himself what kind of man his regime forms, and whether it is good. As Strauss wrote:

> There is a variety of regimes. Each regime raises a claim, explicitly or implicitly, which extends beyond the boundaries of any given society. These claims conflict, therefore, with each other. There is a variety of conflicting regimes. Thus the regimes themselves, and not any preoccupation of mere bystanders, force us to wonder which of the given conflicting regimes is better, and ultimately, which regime is the best regime. Classical political philosophy is guided by the question of the best regime.[8]

Every regime is the embodiment of a claim as to how man ought to live. But is what we love and are familiar with also what is good or best? This is the philosophical question that always lurks beneath political life.

As we turn specifically to Aquinas' regime analysis at *De Regno* I.1-3, we see that it is prima facie unremarkable. He speaks of a typology of just and unjust governments, and lists the usual suspects: monarchy, aristocracy and polity among the just, and tyranny, oligarchy and democracy among the unjust (I.1.11-12). Aquinas indicates that monarchy is the best regime (I.2) and tyranny is the worst (I.3). If anything distinguishes his account from that of the ancients, it is his metaphysics. As Blythe points out, Aquinas' defense of monarchy as the best regimes rest largely upon a metaphysics of unity, one according to which the unity of order that political activity must seek for a

8 Strauss 1989, 32-3

community is best sought through a unified cause, i.e. one prince.[9] For Aristotle, the superiority of monarchy arises from the superlative virtue of the best man chosen to serve as king. To be sure, Aquinas does not merely provide a metaphysical argument: he walks us through the history of regimes as proof of the excellence of monarchy. Then, too, one could recast Aristotle's argument in Aquinas' terms, for in speaking of the singular ruler as the cause of the virtuous society, Aristotle seems to think of this cause as itself a perfected cause, the perfection of man being virtue. Still, Aristotle does not choose to argue this way, and Aquinas never seems to ask in I.1-3 the question that haunts Aristotle's *Politics*: can superlative virtue and political power coincide?

We might note something else. While Aquinas gives an unqualified endorsement of monarchy in *De Regno* I.1-3, in the *Summa Theologiae* he argues for the superiority of the mixed regime. Is this a contradiction within Aquinas' political thought on a question of great import? Or is it a sign of development in Aquinas' thought? In the latter case, perhaps Aquinas' defense of monarchy in *De Regno* is predicated upon a simplistic view of monarchy, one that misses the true excellence, and thus rarity, of monarchy. Perhaps Aquinas' purportedly philosophical ideal of monarchy in *De Regno* is in fact the merely sociological form of mediaeval monarchy, something that he comes to reject at least in part in the *Summa*. While we have begun to address this question in Chapters 1-3, our current investigation of the best regime will clarify the stakes of this question, and will prepare us to work out this puzzle more thoroughly.[10]

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9 Blythe 1997, 5-7

10 It should now be clearer why the opinion of Eschmann, to which we earlier adverted, is unsatisfactory: I.2-3 purports to be a full regime analysis. If Aquinas does choose to hint at the necessity of a mixed regime at I.6, then Aquinas either failed to realize how radically incomplete his regime analysis at I.2-3 is, or he has weighty reasons for intentionally leaving it so, which reasons would require exposition.

A SECOND SAILING: REGIME FORM AND END

Regime form is not the sole consideration of regime analysis, but more and especially the end of the regime. Different regime forms characteristically seek different ends, but all regime forms can be judged against the ultimate end of man. The typical regime typology, after all, is divided according to just and unjust regimes, raising the question of the nature of justice. Aristotle explains in the *Politics* that different regimes rule on the basis of different claims, and they characteristically seek different sorts of ends in politics. Monarchs and aristocrats rule on the basis of virtue, and the virtue of the city is what they seek. The people rule on the basis of number, and they seek freedom. But note a few important qualifications. Many kinds of monarchs exist, and often their justification is not virtue but rather military prowess or ancestry.[11] Few men in any time or place will be of sufficient virtue to justify ruling alone.[12] There is also the inconvenient fact that many are not inclined to follow the lead of the supremely virtuous man[13], who in any event would likely not desire to rule.[14] It may also happen that the many collectively exhibit a wisdom to rival any single or small group of men in a particular regime. In that case, it would be wise to incorporate the people in the regime.[15]

One could continue to outline the vagaries of regime analysis, but we have collected a few main points. The question of the best regime is the question of the best man and perfect justice, for only the best regime realizes the best man, and only if it can instantiate perfect justice. The standards are quite high, and expectations for fulfilling them ergo moderate. Yet if the best regime cannot be realized in every time and place, it

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11 *Politics* 1284b35-85a1
12 *Politics* 1284a3-16
13 *Politics* 1284b25-34
14 *Republic* 515e-17e
15 *Politics* 1281a42-b37, 1283b27-34

can serve as a challenge to other regimes to consider how they can serve justice as best they can. For the thoughtful citizen, further, contemplation of what the best regime would look like is a superb undertaking as an investigation of what kind of citizen one's own regime produces, which is to say what kind of man one is. In this way, the classical analysis of the best regime always remains a question, and a question that always turns to the speculative and thus supra-political: what is man's true happiness, and how can it best be fulfilled in politics? Can any regime completely fulfill it?

De Regno shows Aquinas to be engaging in this kind of analysis, although admittedly his regime analysis tends to be subordinate to his exposition on monarchy. After his argument for monarchy as the best regime (I.2), he turns to a denunciation of tyranny (I.3-6), one that allows him to justify monarchy against detractors who confuse it with tyranny (I.4) or claim that it lapses too easily into tyranny (I.5). This justification culminates in a theory of resistance granting citizens a surprisingly wide ambit in the affairs of their community (I.6).[16] Instead of a close reading of these chapters, which we amply undertook in Chapter 1 of this study, we will examine their themes for the purposes of articulating Aquinas' regime analysis.

Aquinas goes to considerably more trouble to show that tyranny is the worst regime than to show that monarchy is the best regime.[17] This might seem odd, for the odiousness of tyranny would appear to be far less controversial than the excellence of monarchy. Yet monarchies were quite common in Aquinas' time, and the intended audience of *De Regno* was a king. Certainly Aquinas writes for a reader inclined to take

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16 For a more extensive study of the role of citizens than space permits herein, including a comparison with the *Summa,* see Breidenbach and McCormick (forthcoming).

17 As we noted in Chapter 1, this focus can lead to frustration that Aquinas fails to answer his own questions, as at I.6, as well as suspicions of corruptions of the text (Eschmann 1949, xiv-xxi).

for granted the superiority of monarchy. His focus on tyranny perhaps permits him to spell out some propositions about monarchy that would otherwise be unwelcome to his reader.

After explaining that tyranny is the worst regime, Aquinas can state a problem: the best and worst regime form both issue from the rule of one. To put it another way, the same form, rule of one, can lead to opposite ends, justice and injustice. This fact leads many to conflate the two forms, tolerating tyranny under the pretense of kingship and excoriating kingship under the mistaken belief that it is tyranny (I.4). Yet the examples that Aquinas gives are sobering: history points to few kings genuinely worthy of the confidence placed in them. The example of the Hebrews is particularly damning, because God explicitly warned them that they would come to evil through kings (I.4.34). The common misperception concerning the distinction between tyranny and kingship, then, arises from the very real problem that kings often do become tyrants.

Aquinas next explains in I.5 that monarchy is less likely than other regimes to lapse into tyranny. These arguments return repeatedly to one fact: kingship can and often does degenerate into tyranny. As Aquinas writes almost as an aside, "Monarchy is therefore to be preferred to the rule of many, although either form of government might become dangerous," (I.5.27). Other forms of government do not guard against tyranny as well as kingship, perhaps, but we must add to the fulsome praise of I.2 the considerable challenges a king must face in remaining just.

When Aquinas returns to monarchy in I.6, his avowed goal is the devising of a kingship that can withstand the threat of tyranny. What Aquinas discusses instead, however, is the possibility of resistance from citizens or subjects against unjust kings. In this discussion he makes a number of distinctions, most of which we have compassed. To recapitulate the main claims, however, let us recall that he distinguishes between mild

and excessive tyranny. Mild tyranny is to be tolerated, and Aquinas implies that it is common: cities would be in endless tumult if citizens revolted against every injustice (I.6.44-5). This distinction is important, moreover, because much of Aquinas' argument in I.5 would seem to be based on the expectation that kings lapse into mild tyranny, while aristocracy and polity descend into excessive tyranny.[18] Aquinas does not directly raise the problem of kingship devolving into full tyranny, then, which would seem to be the strongest argument against it, as Aquinas himself acknowledges at I.4.

Aquinas also in I.6 reinforces the lesson of I.1-2: political authority is natural because political life is natural, and divine law sanctions that natural goodness and its consequent authority. While this would seem to be a regalist paean, the examples of subjects "obeying" their rulers that Aquinas gives are pagan despots who persecuted Christians and apostate kings who turned their backs on God (I.6.46). Aquinas thus connects the problem of citizens' obedience to the fact that God works even through tyrants, first using them and then punishing them. Is this a warning to would-be rebels, or to a would-be tyrant, e.g. our king?

These considerations shed new light on the close of I.6. We noted in Chapter 1 that I.6 ends with an appeal to a conversion of the people: "Sin must therefore be done away with in order that the scourge of tyrants may cease." The conversion is two-fold: the citizens ought to pray in all holiness that they be delivered from this or that tyrant, but they also must reform their wills and direct their reason to the cultivation of a healthy regime that educates virtuous citizens and princes. This conclusion still holds. Yet we have presently unearthed something that was less obvious at the time: our own royal reader must undergo conversion. Let us consider that I.2 is a triumphal and abstract defense of monarchy as the best regime. Yet throughout I.3-6 we were reminded of the

18 Eschmann 1949, 22 fn. 1

pervasive influence of vice in politics, problems from which kingship is by no means inoculated. Aquinas in fact acknowledges throughout what Aristotle makes much clearer in the *Politics*: while monarchy is a superficially common form of government, it rarely lives up to its end as the rule of the truly virtuous man. Aquinas indirectly argues with Aristotle that the people are rarely happy with a king (I.4), that many other regime forms appear to be more practical (I.5), and that kingship fails to include the people in rule, except paradoxically when they reject their exclusion in the case of resistance (I.6). Aquinas thus worries, again with Aristotle, about the low probability of the coincidence between virtue and political power.

For the purposes of our inquiry into the best regime, we might extract two aims of Aquinas from I.3-6. First, he seeks to temper expectations for monarchy. Aquinas does this by drawing out the distinction between the form and end of a regime. Although our king could easily read I.2 to suggest that the metaphysics of unity will almost automatically inscribe just government into the regime of one, the lessons of I.4-6 are far less sanguine. Yet while no regime is a fool-proof prevention against tyranny, Aquinas marks out kingship in a special way. Aristocracy and polity seem to have a kind of "institutional" strength: their numbers ensure that many have power, decreasing the chance that a majority will rule ineptly, and even more so that a majority will rule viciously. These are indeed good reasons to elect such regime forms. These institutional safeguards are meaningless, however, in a fundamentally vicious regime. Thus aristocracy and polity may be unavoidable forms when no one is fit to be a monarch, but they will be short-lived unless they continue to grow in virtue. In other words, aristocracy

and polity must be adopted with the understanding that they should in due time develop toward monarchy.[19]

Of course the metaphysical unity of monarchy will be equally worthless if its occupant is vicious. But that is Aquinas' point: virtuous governance finally depends upon virtuous men. In singling out monarchy among the regimes, Aquinas singles out virtue. Our king is thus warned that, without virtue, his monarchy will become a tyranny. We might put it this way: an emphasis on the form of a regime can obscure the directionality requisite of a community. That form must be not a static and ossified structure, but a dynamic configuration of men moving toward the end of that regime. We see this teaching reflected in the structure of I.1-6: Aquinas urges the form of monarchy as that best disposed toward justice (I.1-2), but then complicates this picture by presenting justice as something to be sought and realized through monarchy, rather than flowing from the institutionalization of monarchy (I.3-6). A regime, then, is not a set of rules that can be obeyed or disobeyed, but an aspiration to grow into promise. The founding of a regime is not the full extent of justice, but its inaugural form.[20]

Thus, second, the question of the best regime is indeed the question of the best man for Aquinas. The kind must ask himself: can his kingdom ensure the emergence of this best man? Can any kingdom do so? The central claim of I.6, which leads us into I.7-11, concerns the necessity of virtue in the king, and indeed in any ruler. Yet after reading through I.4-5, the king will see the danger that tyrannical rapacity presents to his kingdom. Through the litany of tyrants and despots mentioned in I.6, the king will be encouraged to ask himself how he can avoid their fate, one that is to some extent

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19 This is a strong formulation of the claim, and should not be taken to contradict that according to which all of the just regime forms can be legitimately employed.

20 We can think back to our discussion of Machiavelli and Aquinas on founding in Chapter 3.

dependent upon the virtue of his citizens. It is striking that Aquinas gives no examples of good kings in I.2, but many examples of bad ones in I.3-6, all of which support the underlying argument that rule demands much of kings, and is often their undoing. The king will then be led to wonder whether monarchy is a just form of government in practice.

I.7-11 is therefore integral to the question of the best regime, and expands beyond the focus on our royal reader. In those chapters, Aquinas discusses the proper reward of a prince, thus affirming the value of virtue and promising its reward. Examining the competing claims of honor, glory, material goods, and happiness, Aquinas finally opts for the latter. Moreover, while he initially only raises the issue of what reward is fitting for a king, Aquinas subtly turns the conversation toward the question of man's end, i.e. what the work of a regime should seek to achieve. The reward (*praemium*) becomes a cause (*causa*) or end for action. Thus, Aquinas raises the question of which regimes are capable of attaining this end. He does not explicitly say which regime best fulfills that end. He does, however, state that any regime must fulfill this function, because every human is fulfilled through virtue, and the end of the regime must somehow fulfill the end of man. Further, insofar as this happiness is that had with God, Aquinas suggests, but does not state until Book II of *De Regno*, that the king's polity is indeed insufficient to attaining to man's final end. We shall return to this theme.

Given that this section directly follows the exhortation for the conversion of citizens in I.6, we might think the virtue expounded at I.8 is precisely the virtue that the king and the citizen are being urged to seek at I.6. Yet the sort of regime that is supposed to cultivate the virtue of every citizen (I.8) would seem to be one in which citizens are somehow incorporated into rule, not simply ruled as subjects. I.7-11 do not reject the teaching in I.3-6 that the virtue of the ruling element is of paramount concern. But this

section does remind the king that the goal of the ruling element ought to be to promote the flourishing at all, and perhaps one manner of effecting that involves the inclusion of citizens in rule. The incorporation of citizens into the regime is also the goal of the best regime in the *Summa Theologiae*. Thus we might think that this claim about the end of man is another reinforcement of our suspicion that the regime of *De Regno* comports more with that of the *Summa Theologiae* than is at first obvious.

Insofar as *De Regno* is a practical work, and it is in part a theoretical work, its principal aim is not to teach the king knowledge for its own sake, but knowledge toward action.[21] This characteristic separates *De Regno* from the *Summa Theologiae*, for the latter is primarily a theoretical work, not a practical one.[22] It would seem, then, that Aquinas is investigating politics in *De Regno* not to teach the king how to construct some account of politics, but how to act and how to think about acting. Aquinas does not simply state in *De Regno* that the king must be virtuous; he leads the king through an education toward virtue. These differences must be better understood before we can inquire into the reconciliation of the accounts of the best regime, or of any subject, in *De Regno* and the *Summa*.

Such a consideration also helps to address our question as to the significance of the question of the best regime for quotidian politics. At its best, the search for the best regime, whether in Plato's *Republic* or Aquinas' *De Regno*, is a meeting of theory and practice: we subject how we act to the rigors of what we say we know. Such an interaction is bound to lead to criticism of both our actions and our thought, and that is part of the point. We challenge our political thought to explain and account for our

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21 *NE* 1103b20-2

22 Cf. *ST* I.1.4. To Jordan (1992), I would note that *De Regno* is indeed more theoretical than many of its readers have admitted, but its theoretical concerns arise from and return to the practice of politics.

political practice, and we hope to scrutinize our political activity through theoretical speculation. But what we do not do is impose an arbitrary theoretical abstraction upon our politics or reduce political philosophy to an ideology that justifies current political practice. Rather, the classical quest for the best regime accords closely with Aquinas' own notion of political activity as an education. The regime is founded out of necessity but proceeds according to the faculties of a particular people toward excellence, the excellence of man.

One might elaborate a helpful contrast between this vision of the regime and modern theories of the social contract and state of nature. Many proponents of a "state of nature" take man to be naturally asocial. Or, to put it another way, when we say he is "asocial" or "apolitical," we may find disagreement among thinkers such as Hobbes and Locke concerning how far to envision the individualistic isolation of man in his "natural" state, but they agree that we ought not to presuppose that man expresses his fullest virtue through and in community.[23] In this way, the state of nature has little to do with the nature of man at all, at least as we know him: it presupposes an abstract "man" rather than the men we know to conduct politics, men already bound by customs, traditions and nomoi of all sorts.[24] As a device against which every political practice is measured, a new politics is rationalized along its imperatives. For Aquinas, however, the key to reforming politics is to know what political practice is, and to criticize it internally toward its

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23 Cf. Hobbes, *Leviathan* I.xiii; Locke, *Second Treatise on Government* II-V; and Rousseau, *Social Contract* I.2-5

24 As Jacob Levy notes, social contract theory tends to flatten and idealize, not to say ignore, the socio-political bonds that pre-date a constitutional order. Yet these bonds are often the very objects of reform, revision and reconciliation in the formation of that new constitutional order (Levy 2009). Aquinas, seeking to reform the community, would want to take cognizance of precisely such things.

improvement. The search for the best regime is a search guided by politics as it is lived out.

We can also profit from a contrast between the social contract and Aquinas' developmental state. In some sense, social contract theory expresses the common-sense intuition that men to live together peacefully must on some level share basic norms of justice. Implicit in these norms, more or less articulated, are understandings about the ends of society. There is something admirable about this sort of overlapping consensus. Real communities need to make decisions, and cannot wait for the utterances of their intellectuals on such matters. Yet there is this risk, namely that the terms of a social contract be taken as the ne plus ultra of communal development. For on the one hand, whilst a regime might be founded by necessity, it is human excellence it ought to pursue. But we might ask why conditions of pluralism and diversity should be turned into a permanent condition.[25] Again, such accommodation may be necessary as a matter of prudence. Indeed, some sort of accommodation between conflicting visions of the world may always be necessary in modern politics. But to enshrine that tragedy in theory, Aquinas would argue, belies the pull toward final happiness that all men seek. Thus in *De Regno* Aquinas does not cease to educate our king.[26]

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25 At root here is the question as to whether the modern rise of pluralism is good. That rise has been excoriated by most pre-20th-century Catholic thinkers, and not a few since (Kraynak 2002, Rowland 2003, Kozinski 2010). Maritain takes it as a good, although he clearly took modernity in general to be in need of substantial reform (cf. Maritain 1968, 16-69 on the breakdown of humanism into atheism, after which there is need for a new humanism (69-71)). For some, that pluralism may not itself be a good, but it has had positive consequences, e.g. a clarification of the role of the Church as a spiritual and not a temporal authority (Ratzinger 2008, 200-8).

26 Buchanan, however, describes a kind of two-part social contract whereby actors forge a "protective" state that unites them with negative rights, and then negotiate the terms of a "productive" state whereby they come to cooperate within that state (Buchanan 1975, 39-42).

Moreover, if Aquinas and Aristotle are correct that man seeks to know and will organize his community after that knowledge, seeking to instantiate it through his civic friendships, then the pretensions of a social contract to deny that development are nothing more than that. Indeed, the presuppositions of neutrality and toleration associated with social contracts aimed at minimizing the negative effects of pluralism often become the basis of very vigorous, and state-enforced, conceptions of the good, as has been revealed, for instance, in the arguments concerning homosexual marriage and contraception in 21st-century America, or in religious jurisprudence.[27] A caricature of liberal modernity will miss, as Jeffrey Stout has noted, that liberal democracy can be a rich tradition with substantive goods of its own, and indeed has developed just so.[28] This is precisely Aquinas' point. Man as a rational animal cannot help but employ his intellect and pursue his natural desire for the good in his communal life. Whatever the intentions of man to avoid "comprehensive doctrines" or "political moralism," Aquinas suggests, what man loves will continue to animate his activity and relations with others. Thus Aquinas suggests that the pressing question of man's final end be brought to the center of man's politics rather than a marginal "social" or "cultural" concern. The notion of the social contract, which enshrines some particular sets of norms or some definite end for a community, fails to account for the human desire to grow and to grow with and toward his fellow man.

In some of his later works, Jacques Maritain calls for a "democratic charter" that resembles in part Rawls' "overlapping consensus": although citizens do not agree as to the theoretical foundations of their regime, they reach a practical consensus as to how to

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27 Hittinger 2003, 163-82

28 Stout 2004

act.[29] To be sure, Maritain encourages discussion and disagreement about the foundations of the city.[30] But the practical consensus that Maritain envisions in no way depends upon such deliberation. What Aquinas shows in I.7, however, is not the picture of a prosperous city whose citizens cooperate in peace despite severe theoretical disagreements. In fact, these citizens agree on quite a lot theoretically, at least implicitly, and are fully invested in the quest for the best regime. Yet this does not mean they are complete as a community. They are animated by a pressing question: what is the final end of man? Can politics secure it? If not, what can? What is the nature of the horizons of city and world, and how do they function in politics and in man's quest for the good? How, in other words, can man grow in friendship with other men and the good through truth?

Theoretical justifications of a given practical consensus, whether that of Maritain or of Rawls, will always seem attractive to humans precisely because they allow one to fashion a reality that mimics a certain kind of theory.[31] We can imagine one moment or epoch as a status quo in which our community can more or less flourish: tensions or conflict exist only at the margins, and do not inspire fundamental change. In this way, modern political philosophy has not strayed far from the aspiration of Hobbes to model politics upon unchanging geometry.[32] Such practical settlements, however, do not do justice to the ability of men to grow in the moral life, to the intransigence of men who refuse to do so, and to the prudence a regime must exercise to cultivate virtue and limit

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29 Rawls 1993, xx: "The problem of political liberalism is to work out a conception of political justice for a constitutional democratic regime that the plurality of reasonable doctrines – always the feature of the culture of a free democratic regime – might endorse. The intention is not to replace those comprehensive views, not to give them a true foundation."

30 Maritain 1952, 170; 1951, 163

31 Schall 2000, 58; also see Voegelin's *New Science of Politics*

32 Strauss 1952, 2-5

opportunities for vice. They fail to recognize, then, the ways in which theory should and must accept its limitations in describing and directing human life.

REVELATION AND THE QUESTION OF THE BEST REGIME

Thus far this chapter has explored the profound inquiry into man that Aquinas and ancient philosophers undertake in interrogating the nature of the best regime. This is a deeply rational enterprise, for at base it is a question as to the nature of man and his ability to interact in a meaningful fashion with other humans. Politics is indeed a kind of education.

Yet we must yet admit some differences between Aquinas and those ancient thinkers. For while I.8 and *De Praemio Regis* allow us to see the common ground that Aquinas and ancient thinkers share concerning the significance of the end of the regime, I.8 also introduces a topic that would seem to be absent from the classical inquiry into the best regime, and indeed would seem to derail it. For it might seem that this consideration would render the whole undertaking fideistic or irrational. That topic is revelation.

While one might identify several citations or quotations of Holy Scripture in *De Regno*, we would do well to focus on two points of *De Regno* in which the invocation of revelation is pivotal for the argument of the work. As we noted in Chapter 4: "The law has a double task, for if it proclaims the final end of man, it must also set the end man achieves in politics as intermediate." We will explore revelation vis-à-vis the best regime in two steps: in this section, on revelation as revealing the final end of man, and, in the subsequent one, as setting the task of politics as intermediate to that final one.

First, revelation appears in *De Praemio Regis* as God's answer to the question of man's final end. It is crucial to *De Regno* that the ancients speculated as to the end or purpose of man, because this perplexing and ever-present question is precisely what

Christianity answers (I.7-11). No less crucially, Christianity directs man's attention to the significance of this question and makes it of universal importance. As we saw in Chapter 4, Aquinas argues that the divine law states that man has an end and ought to seek it, and promises that happiness is not the sole preserve of the wise or of the lucky, but of all who seek God's love. Christianity does not reject the claim that the final end of man matters to his communal life. We may not know exactly how this final end bears upon man's political life; perhaps it would be best to exercise some humility on that score. But we can say that any argument that a priori rejects the relevance of man's final end for his political life is missing the point. We speak of man, after all, not some arbitrary reduction of him.

I have presented revelation in *De Regno* as though it were a complementary if unexpected contribution to ancient speculations on the best regime. Yet if the classical quest for the best regime is the height of human reason directed to political things, does Aquinas' adoption of Christian revelation signal an abandonment or betrayal of that quest insofar as he abandons or betrays reason in favor of faith? Aquinas proposes that man's final end is to be found, not in the city of man, but in the City of God. How does reason know this? What is in question is whether reason ought to be proud and jealous of its autonomy, or humble and accepting of the gifts of revelation.[33] This concern informs the entire dialectic of *De Regno* through I.12, and will help us to assay our question: is the employment of revelation by Aquinas a betrayal of the classical quest for the best regime?[34]

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33 As Augustine puts it: "Salvation, such as it shall be in the world to come, shall itself be our final happiness. And this happiness these philosophers refuse to believe in, because they do not see it, and attempt to fabricate for themselves a happiness in this life, based upon a virtue which is as deceitful as it is proud," (*The City of God*, XIX.4).

34 I have considered this question in a different context in McCormick (forthcoming), and am deeply indebted here and therein to D'Andrea 1992.

For Leo Strauss, the answer is unequivocally yes:

> Philosophy is quest for knowledge regarding the whole. Being essentially quest and being not able ever to become wisdom, as distinguished from philosophy, the problems are always more evident than the solutions. All solutions are questionable. Now the right way of life cannot be fully established except by an understanding of the nature of man, and the nature of man cannot be fully clarified except by an understanding of the nature of the whole. Therefore, the right way of life cannot be established metaphysically except by a completed metaphysics, and therefore the right way of life remains questionable. But the very uncertainty of all solutions, the very ignorance regarding the most important things, makes quest for knowledge the most important thing, and therefore a life devoted to it, the right way of life.[35]

For Strauss, reason properly speaking is philosophy.[36] Philosophy in turn is not a method or a system, but a way of life, a quest and a search that cannot be subordinated to any other enterprise. It cannot, for instance, accept the claims of revelation as truth: it can only subject them to human reason. "Confronted with an unproven possibility," Strauss argues, the philosopher "does not reject, he merely suspends judgment."[37] But revelation "as such refuses to acknowledge… [the] tribunal of human reason."[38] Therefore we reach an impasse, as Strauss seems to conclude.[39]

Aquinas agrees with Strauss that reason cannot discover man's supernatural end, and that philosophy cannot demonstrate revealed truths.[40] Such things are beyond philosophy. In fact, Aquinas distinguishes philosophy and theology according inter alia to

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35 Strauss 1979, 113-4

36 Cf. Strauss in Meier 2006, 141: "We rise above the level of neutrality, or of triviality, we enter the arena of conflict, if we confront revelation with a particular *interpretation* of reason – with the view that *the* perfection of reason and *therefore the* perfection of man is philosophy." [Emphasis in original.]

37 Strauss, 1979, 113

38 Strauss 1979, 116

39 Cf. Strauss 1979, 199-200 with Strauss in Meier 2006, 141-80.

40 Although see Walgrave 1976, 182-4.

their first principles. Philosophy proceeds from what can be known by natural reason, theology from what is known by faith.[41] Such a division seems to be supported by the structure of *De Regno*: I.1-6 are decidedly naturalistic, and I.7 signals a transition to what becomes theological by II.1. Moreover, Aquinas recognizes that there is a kind of philosophy that will never permit itself to countenance belief, that is, will never recognize that something is that cannot be demonstrated through man's unaided reason.[42] Aquinas in fact never refers to a Christian as a *philosophus*, and his use of "philosophy" is often explicitly linked to pagan schools of thought.[43] Whatever the desire of man to know God and to find him, Aquinas knows well that the revelation of God's creation and incarnation require an orientation of man without precedent in history, and one for which reason could prepare man in only the most metaphorical sense.[44] Moreover, I welcome Strauss' intervention just where we have had a tendency in this study to suggest that "the Christian message is said to be that which everyone is more or less waiting for, at least obscurely, and the power of human thought and desire to transcend any particular object is taken as an anticipation of Christian revelation, of the Christian understanding of God, and of the Christian questioning of the world as a whole."[45] We risk losing what is strange and extraordinary about Christianity when we deflate it to the conclusion of natural philosophy, and even more so the conclusion of the kind of modern philosophy that has precious little resources for rigorous theology.[46]

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41 Aquinas, *De Trinitate Boetii,* 3.1 ad 4
42 Jordan 2006, 234-5. Cf. *In Sent*. III 35.1.1
43 Jordan 2006, 234; cf. Jordan 2006, 248, footnote 5 for an apparent exception
44 Nichols 2012, 66-7
45 Sokolowski 1982, 89
46 Elders 2008, 551-2

That said, Strauss' desire to sharpen fundamental alternatives has the effect of obscuring key details about the character of philosophy and theology in their connection with each other. Explicating these shows how Aquinas has not "betrayed" reason in invoking revelation in *De Regno*.

First, the nature of philosophy. For Aquinas and Strauss, wisdom is knowledge of the whole. They also agree that philosophy cannot supply such knowledge, but for different reasons. According to Aquinas, knowledge of the whole further requires theology, which is to say the study of God's revelation. God must reveal himself because God is beyond being as man knows it. The cosmos is not all that there is, but the effect of a cause, a cause that must be anterior to its effect.[47] For Strauss philosophy does not attain to full wisdom, because according to Strauss philosophy is characterized above all by a determination to embark upon a quest that one takes to have no end.[48] As he argues: "Being essentially quest and being not able ever to become wisdom, as distinguished from philosophy, the problems are always more evident than the solutions. All solutions are questionable."[49] Thus the philosopher is not wise, does not possess wisdom. Rather, he is the suitor or would-be lover of wisdom.

This move, however, might lead us to neglect the fact that philosophy arises out of self-transcendence. Josef Pieper notes that philosophy begins in wonder, an attitude or orientation toward the other, as Socrates famously describes it and as Aquinas affirms to

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47 Sokolowski 1982, 23-9

48 This reminds one of Kant's insistence that philosophy be a Herculean struggle, an opinion that led Kant to dismiss Plato as a genuine philosopher (cited in Pieper 1952, 8-9, 12).

49 Strauss 1979, 114

argue for the humanity of Christ.[50] Wonder and subsequent contemplation take man beyond himself and beyond reason. Just as a way of life, philosophy is characterized by its openness, not its closure, to wisdom. Any a priori closure of philosophy to wisdom would deny the Socratic ignorance that underlines man's desire to know. The cosmos is not, after all, a product of philosophy to be manipulated, but a given to be investigated to determine what is. Strauss' understanding of philosophy, however, stresses the subject of philosophy, the philosopher, more than its object, knowledge. He thus misses the inevitable attraction that revelation must have for the philosopher.

What about theology? In opposing philosophy to revelation, Strauss claims, we saw above, that revelation "as such refuses to acknowledge… [the] tribunal of human reason."[51] But is this true? Consider Brock on the place of wonder in theology:

> [I]n Thomas's view, the knowledge that God wants to teach us is not merely useful or practical knowledge. It does not regard only the movement toward salvation or toward the bliss of eternal life. Revelation also informs us that what beatitude consists in is a kind of knowledge. "This is eternal life, that they may know you, the one true God, and Jesus Christ whom you have sent" (John 17:3). This knowledge is not practical; it is theoretical, contemplative, for its own sake. It is maximally delightful… The supernatural vision of God is the object of a natural wonder.[52]

If Strauss' formulation of the relation between theology and philosophy grants us a perspective on the encounter between God and man, what comes forth from that encounter is not only piety and obedience, which Strauss constantly invokes as the

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50 *Theaetetus* 155c-d. See *Symposium* 210e, *Phaedrus* 247d. Cf. *Summa Contra Gentiles* IV.33. As Brock notes for Aquinas, there is a striking range of possible meanings for the Latin and Greek words associated with "to wonder."

51 Strauss 1979, 116

52 Brock 2012, 722 [emphasis in original]; cf. Sokolowski 1982, 111

obstacles that revelation sets for knowledge, but also a love and a desire to know.[53] Moreover, piety and obedience are inspired not because God is something great within the world, but beyond the world, as the Prologue to the Gospel of John beautifully testifies. To comprehend this is to grow both in piety and in reason.[54] In other words, revelation does not come to the believer as a question of what to do, but in the first place simply as a supreme object of contemplation or knowledge. The determination to cling to that goodness, the practical decision, arises as a response to that divine self-disclosure. For Strauss, however, whilst philosophy begins in wonder, the philosopher then restricts himself to what unaided reason can discover for itself. In this way, his practical decision to cling to reason is not a theoretical openness to all there is, but a self-imposed limitation of the bounds of inquiry and wonder itself. On this plane, there is a radical asymmetry between theology and a philosophy closed off to revelation: they are not a choice between knowledge of and piety toward the whole, but a choice between two entirely different wholes. They simply inhabit different universes.

Strauss in his emphasis on philosophy and theology as ways of life again directs our attention from object to subject.[55] In his articulation of the nature of philosophy, Strauss emphasizes man's ascent to wisdom. That ascent demands much of man, and

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53 In fact, one could argue that Strauss fails to consider revelation as a personal encounter between man and God, and rather treats it strictly propositionally (Ratzinger's 1999 interview with Hvidt).

54 Sokolowski 1982, 111-112; cf. *ST* I 1.4 resp.

55 The "openness to all that is" is a key theme of the work of James Schall, to whom I am greatly indebted in these pages. In one discussion, he cites this revealing teaching of John Paul II: "Philosophy must obey its own rules and be based upon its own principles; truth, however, can only be one. The content of revelation can never debase the discoveries and legitimate the autonomy of reason. Yet, conscious that it cannot set itself up as an absolute and exclusive value, reason on its part must never lose its capacity to question and to be questioned." (*Fides et Ratio*, n. 79, in Schall 2000, 53)

calls for a rule for living that orients all of one's life toward it: an ascesis.[56] For Aquinas and Pieper, and I dare say Socrates, the emphasis is less on man's ascent toward wisdom than on wisdom's descent toward man. Thus wisdom appears as an intervention or intrusion into man's life, even if it also seems to explain what one already knows. For Aquinas, wisdom is not something so much struggled for as given. To be sure, man's ascent and wisdom's descent appear in both accounts: most notably, in *De Regno* the king struggles toward knowledge in I.1-6, to find in I.7-11 that his struggles have disposed him to accept wisdom, which is finally a gift. But there is a difference in emphasis, for *De Regno* I.7-11 reveal man's ascent to wisdom to be a response to wisdom's very descent.

Aquinas would accept Strauss' claim that an openness to revelation as such would fundamentally change philosophy as the pagans knew it; indeed, his extended consideration of civil religion at *De Regno* II.3 emphasizes the novelty of the Christian recognition of a God who transcends the immanent and terrestrial yet also became incarnate and speaks to man through revelation.[57] The question is the nature of the change – perfection or abolition – and whether it is something that philosophers have been waiting and hoping for. Perhaps this is ultimately why Aquinas does not seem anxious to distinguish philosophy from theology in his own work.[58]

Whatever their disagreements, Strauss' formulation reveals to us a phenomenology of the disclosure whereby Christian revelation appears to reason, one

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56 "Ascent" and "ascetic," despite similar appearances in English, come from different roots: "ascent" from Latin *scandere*, to climb, and "ascetic" from Greek *askein*, to exercise or train.

57 Although, as Pieper notes, revelation does not make the task of philosophy any easier. In fact, Pieper, suggests, revelation offers "fruitful impediments" to spur on philosophy (Pieper 1952, 129-30).

58 D'Andrea 1992, 211-4

that Aquinas adopts in *De Regno*. He does so, I urge, because this formulation sets up the encounter between revelation and reason, and helpfully raises the question of their relation.

The regime of *De Regno*, we noted, paints a dynamic picture of development, one in which philosophy and theology bear a "contrapuntal" relation.[59] *De Regno* exhibits three distinct moments: (1) the assaying of human needs, which can be known through the philosophic investigation of convention as a deposit of human experience; (2) revelation's challenge to man's understanding of himself as bound by city and world; and (3) the re-examination of man's existence in light of that challenge. The "counterpoint" between philosophy and theology, to borrow the language of Pieper, arises from the challenge at this second moment: revelation offers data to man with which he can philosophically engage. Philosophy as the development of reason in man can lay the foundations for an exploration of the data of faith, and dares theology to address what man says that he already knows. This counterpoint between revelation and reason is something like the "creative tension" Strauss so often spoke of between Athens and Jerusalem.[60]

Ernest Fortin often spoke of "living the tension" between philosophy and revelation.[61] Fortin's ideal, it turns out, resembles Aquinas' magnanimous man in I.7, who lives out this counterpoint between theology and philosophy. That man, who the king imagines himself to be as he reads *De Regno*, lives in what I called in Chapter 2 Aquinas' "state of nature": he accepts the naturalness of the city as instantiated in its conventions, and therefore accords respect to the gods and human reason that are said to

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59 Pieper 1952, 125

60 Strauss 1967

61 Fortin 1996, II.245 and Guerra 2010, 103-4

have built it. Yet he questions whether the goods of the city are an ample reward for his virtue, which is to say just how natural its conventions are, and in so doing must consider what his virtue is and in what it is fulfilled.

He then must question the rational and theological foundations of his city to uncover "the city," i.e. what the best city and the best man would look like. To the extent that his view of the human end develops through a philosophical inquiry into the good, then he begins to transcend the city and is on the way to becoming the kind of philosopher that Aristotle's magnanimous man is not.[62] Yet he still fulfills Aristotle's conception of the magnanimous man just because he seeks the proper reward of his excellence, in doubt that it exists on earth. There can be no greater gift to such a man, then, than the revelation that draws his attention to the difficult and obscure knowledge he needs to attain to happiness.[63]

THE CHURCH AND THE BEST REGIME

We said at the beginning of the previous section that revelation poses two problems for the congruence of Aquinas' *De Regno* with classical inquiry into the best regime. The first, already discussed, concerns the relation between revelation and reason. The second, which we will now treat, concerns the proclamation of man's natural end as intermediate to his grace-given one.

Revelation declares man's end to be supernatural: *super naturam*, or beyond nature.[64] Christian revelation does not just question whether man is bound by the horizon

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62 Holloway 1999 and Arnhart 1983

63 *ST* I.1

64 See Bonino 2001 for more on the meaning of the "supernatural" for Aquinas. Here we mean the word quite literally.

of convention. It also proposes to transcend the horizon of nature. As Sokolowski explains, "In pagan religion and philosophy distinctions are made within the context of the world or the whole, the matrix of being in which one thing comes forward as differentiated from other." But "in Christian belief the world or the whole itself is placed as one of the terms of a distinction," because there is a God beyond the world. This is the "fundamental distinction" of Christianity.[65] Yet, one might add, the world came about through creation: "God looked at everything he had made, and found it very good," as Genesis 1:6 records. In other words, the world's existence is contingent, not necessary. Thus God is the seat of all being, and it is to him that all being seeks to return.[66] We see this in *De Praemio Regis*: man's final desire to attain to the good is realized in celestial beatitude, beyond immanent existence. Thus Aquinas had to distinguish at II.3 between the creator and governor, the activity of the latter being fundamentally ordered by the creator and toward the end set in his creative action. In turn, we see the final limit on the *causa sui* of I.1: he can direct himself to his end, but it is not one he finally creates.

Thus we see the second task of revelation in *De Regno*. Christian revelation arises in *De Regno* to set up the Church as the authority through which man is led to this supernatural end (II.4). The Church is not simply a human institution with a negotiable end: it is of divine institution and one with an end set and brought about by God. This discussion, we note, comes quite late in *De Regno*, long after the disquisition on man's end. We might find this surprising. Many modern conversations about revelation, after all, begin with the question of "Church and State," or the problem of having a rival to the state for power.[67]This problem takes the form of contest over the proper relation between

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65 Sokolowski 1982, 31

66 Sokolowski 1982, 31-40

67 Cf. Brague 2005

those powers, seen as in some sense competitors despite their very different roles. The struggle gains a new dimension when citizens contest the authority of the spiritual power. Such difficulties can lead to Westphalian settlements dividing states by religion, or to regimes in which some practice of toleration allows religiously divided communities to live as one politically.

But for Aquinas the central question of political philosophy is the end of man. Whether the city is enough for man, including whether we can live under the state and "bracket" other institutions, depends upon a close examination of man and the possibilities of his development in the city. If we do not agree on the nature of man's ends, then discussions about the authorities designed to serve those ends will be confused at best. In a similar way, Aristotle proposes to frame the science of ethics around the question of the best way of life.[68] Like Aristotle as well, however, Aquinas does not have great expectations that societies will often instantiate that way of life. Thus he takes the political function of man's end to be foundational, or meta-ethical, rather than juridical.

Further, while the end of man, contemplation of the good, seems to be solitary for Aristotle and Plato, for the Christian there is a way in which it is communal, insofar as all rational creatures worship God as their common object.[69] What seems to be an uncomfortable dissonance in the life of the philosopher, perhaps a tragedy, is given new hope in the Christian Church as a visible and corporate struggle toward contemplation of the good.[70] But of course the state can kill the theologian as easily as the philosopher.

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68 *NE* I

69 De Koninck 100; see Aquinas' *Commentary on the* "*Politics*," Bk VII, lectio 2

70 Nichols 1995 on Bartlett 1994

What I propose to be the relation between the political regime and Church is analogous to that between human law and divine law.[71] Just as divine law reminds human law that man has an end and adverts further that this end extends beyond politics, so the Church reminds the state both that man has an end – and one not created by the state, at that – and that this end is infravalent to that of the Church. From the perspective of the magnanimous man, the Church is an agent of his education: it proclaims a divine law that questions his understanding of the world. He is thus urged to build a state that is receptive to this end.

Consider how the Church arises in *De Regno*. As we have noted, it first appears as a consequence of revelation. Aquinas does not assert the authority of the Church as such, but as the keeper of something that he has described and justified in I.7-11: revelation and the promise of God to man. When the Church emerges in Book II, Aquinas has surprisingly little to say about it. He notes that it fulfills the requirement of leading man toward his grace-given end, a governance that the king cannot fulfill. Prima facie it is difficult to discern what sort of arrangement between church and state Aquinas envisions, as is perhaps true of all of his works. Bearing in mind the progress of *De Regno*, we might argue that, to the extent that our king must continue to learn what his role is as king, he must also continue to learn what the role of the Church is, at least in its relation with the king. We might also think that, in a polity where the people have a share in rule, the relation between the state and the Church also depends upon their moral development. In this way, the Church indeed serves for theology a kind of counterpoint to the state.

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71 Insofar as human law is the subject of political philosophy, and divine law that of theology, one could also devise an analogy with the pairs "political regime and Church" and "philosophy and theology." Of course human law often fails to benefit from political philosophy, imposing a tremendous limitation on the role of the Church.

Yet if the Church arises as a kind of counterpoint to the ruling element, then we might first say that the Church is not simply a static entity parallel to the state. Man's community as political seeks to fulfill a particular function: preserving man's life and securing his excellence. The Church, however, points beyond itself and the world as we know it. As Father Nichols puts it, the Church is the "inaugural form" of the Kingdom of God.

> The fruits of the transformation of persons in the New Adam are to be expected in three modes: contingently in a well-ordered Christian polis; essentially but provisionally in the Church; essentially and definitively in the Kingdom of which the well-ordered Christian polis is the shadow and the Church, the inaugural form.[72]

The polis instantiates Christian virtues "contingently" because those virtues must be built ever-anew by each human and through each polis, reflected perhaps in the vagaries of Aquinas' consideration in Book I as to whether the provincia or polis are most excellent. Christians as members of the Church, however, posses the gifts of grace granted the Church by Christ. Those "fruits" do not exist as the terminus of the Church, but exist for and toward the transformation of the world. Thus the Church does not "administer" or "manage" a status quo that must be maintained, but rather leads men to live in hope of something quite new.[73] "Church" and "state" not only have different goals, but one is oriented toward the "now" of present obligations and aspirations, often leading to Gnostic temptations, whereas the other toward the "not yet" of the Kingdom-to-come, meaning that earthly existence, for all of its value, is not taken to be the final

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72 Nichols 2012, 30

73 Cf. Agamben 2012, 34-5, 40-1, but also Nichols 2012, 61. A fuller study would differentiate more clearly between the "visible" and "invisible" Church, as developed out of Augustine's *City of God*.

site of man's perfection.[74] For all of these reasons, one might think that the ecclesiastical and civil polities would be uneasy partners. Indeed, after detailing the naturalness of political life and the excellence and evils of political life, Aquinas turns his attention primarily not to the Church but to the significance of revelation, and then only the Church in its necessity to proclaim that revelation. In fact, he says little beyond that, and nothing concrete about the relation between the Church and polity. One might think, then, that the primary role of the Church in *De Regno* is prophetic.

Yet the image of the prophet, who is never recognized in his own land, lays bare the corollary of Church as "essentially but provisionally" manifesting Christian excellence: he speaks but is not often heard. In connecting the Church so visibly to a revelation that Aquinas knows so many reject, Aquinas might also be cautioning that the success of the Church will be quite limited in secular terms. That is, it should expect little in the way of influence with the state.[75] Indeed, a difficulty arises from the relation between human law and philosophy: most states are to some extent unjust in their foundations and activity, uncritically and unreflectively unjust to other states and to parts of their own populations. As Augustine says, there has never been a truly just *res publica*.[76] Aquinas comes quite close to this argument in *De Regno* I.3-6, admitting at I.4 that for most people there exists no difference between tyranny and kingship. Further, the advent of Christianity affords to states new ways of misbehaving, particularly arrogating the Church's task for itself. This perhaps explains in part why Aquinas never expands

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74 It is beyond the scope of this dissertation to explain this in full, but suffice to say that the Church's concern for present earthly existence, real though it is, rests upon an orientation to the Kingdom of God, which is here in some sense but not in full (cf. Ratzinger 2007, 46-63).

75 I take this to be a central argument of Robert Kraynak in his *Christian Faith and Modern Democracy*, and it holds for *De Regno*.

76 Augustine, *City of God* XIX.21; but cf. XIX.24

upon the relation between Church and State in his writings: the practical determinations of that relation must be worked out by each community, and in most cases the prince and not the Church will have the final say.

If we had hopes of a political theology from *De Regno*, then, its chief principle would seem to be this: a community must come to grips with the distinct tasks of the divine and human law, and not implement any sort of accommodation or settlement that risks confusing them. The king as *minister Dei* has a surprisingly mundane task. And each task is important. Indeed, Aquinas clearly takes the identification of those tasks to be a struggle, particularly with the temptation to subordinate spiritual matters to the temporal. The great goal of Aquinas in *De Regno* on this score, we might say, is a reform from pagan-like civil religion and political theologies. As with Augustine in his *City of God*, the great dramatic climax of *De Regno* is the confrontation between the Two Cities: that of man, and that of God. According to Maritain, then, this political theology is a *théologie politique*, not a *politische Theologie*.[77] Aquinas has not supplied us with a concrete political program for transforming the polis into the Sacrum Imperium. Rather, he has given us insights to think theologically about politics. In urging us to distinguish the political from the spiritual, and to be cautious about their practical relation, he has provided us principles with making determinations in our own particular situation.

But assuming that we could say a bit more about the relation between the Church and political regime, what could this community look like? We said in Chapter 4 that divine law ought to tutor human law, and the Church in tutoring the regime precisely serves to tutor human law through that divine law. The constitutional arrangements that could arise from such a teaching are multiple. We can, however, outline a few principles.

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77 Maritain 1968, 100-1

First, man is political and naturally lives in community. This is of grave concern, as Aquinas makes clear from the very first chapter of *De Regno*: "Where there is no governor, the people shall fail."[78] From the beginning of *De Regno*, Aquinas has defended the political community as natural (cf. *De Regno* I.1-2).[79] Consider in *De Regno* that Aquinas treats extensively (I.1-6) on the necessity of the regime to secure the necessities of life and moreover human excellence. Political theology calls attention to this natural end first to distinguish it from the grace-given one to which it wishes men to attend, but further to ensure that the state attends to man's natural end. Indeed, the whole movement of *De Regno* takes such natural ends as given, and those revealed by God to be the curious and strange ones. The end of the regime, which Aquinas calls *unitas pacis*, or the unity of peace, clearly involves more than just health and wealth, but further man's virtue. As Kraynak notes, Aquinas envisions a most substantive end for the regime than Augustine with his *tranquillitas ordinis*, or tranquility of order. Then again, "unity" and "order" both suggest a harmony, and those harmonies are ordered toward similar things: peace and tranquility.[80] These considerations are properly political philosophy, not political theology, of course. Yet the polis that fosters the natural desire for the good in men is the polis that cultivates a pre-disposition in them toward the source of good, God. In this way, whilst the state is therefore not a divine institution, its activities do bear upon man's spiritual life.[81]

Allow me to re-state this principle: in performing its own task, the regime helps the Church immeasurably. Perhaps this is surprising. For someone expecting Aquinas to advocate that the state engage in holy wars, the persecution of heretics and infidels, and

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78 Proverbs 11:14
79 Kraynak 2002, 86-87.
80 Kraynak 2002, 95-6
81 Krayank 2002, 88

in general the preservation and enforcement of the Faith, this is a curiously minimalist political theology. If it is minimalist, however, I would repeat that it is in part because Aquinas is an Augustinian: he does not expect the political community often to attain to excellence, nor its relations with the Church often to be peaceful.

Thus we come to the second principle. If the Church ought to remind the regime of its task, the Church must also indicate the task of politics to ensure that the regime does not exceed it, as with the attempts throughout history, even in "Christendom," to legitimize state authority through veils of religious authority.[82] I would point yet again to Aquinas' discussion of civil religion in Book II. One can also return to Aquinas' diagnosis, the man controlled by *libido voluntatis*. "Nobody," Aquinas claimed in I.3, "will be able firmly to state: This thing is such and such, when it depends upon the will of another, not to say upon his caprice [*libido*]" (paragraph 26).

In chief, this means that the Church must not be obstructed in its task. The Church is not simply one among many social institutions, as we might say in liberal modernity. It does not serve the needs of man as subsidiary or auxiliary to his terrestrial end: it points him toward his final end. In other words, "reasons of state," more or less cynical, cannot be advanced to deprive the Church of its ambit. Insofar as the Church exists for this mission, Aquinas would argue, it must have total liberty to carry it out. Thus, for instance, an argument that the Church must marry homosexuals because of state concerns about equality, or that the Church must accept government-appointed bishops, as happens now in China, must be rejected.

If the Church and a regime in a particular time and place do maintain cordial relations, however, or are at least capable of communication by words rather than by

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82 Kantorowicz 1998 is the canonical study, but also see the very different Peterson 2012 and Agamben 2011.

force, then their cooperation or dialogue can be a great boon to society. Most notably, as McCoy indicates, the divine law can reward and punish in a way that human law cannot. As we saw in *De Regno* I.4-6 and I.7-11, this is no small matter. The state that can exhort its citizens to seek Heaven and avoid Hell in exercising their moral virtues has a great advantage. Moreover, while Aquinas has expressed a general concern of the Church that the state propagate virtue, later theologians have outlined particular areas of attention, e.g. the family,[83] war,[84] health and medical ethics,[85] and issues of justice toward the poor.[86] In some places, notably the United States, the Church has also adopted modern rights-language to speak of "religious liberty" or the "freedom of religion."[87] As we can see, however, Aquinas seems to admit that, as a practical reality, regimes have difficulties inculcating even basic virtues.[88]

I have underlined the fundamentally Augustinian nature of Aquinas's *De Regno* to draw our attention toward the moderate expectations for reform implicit in this work. Yet this character of the text also draws out the relation between political philosophy and theology in concrete politics, found as we have seen in the "developmental state" through which Aquinas juxtaposes philosophy and theology. Sane politics requires a careful and judicious political philosophy that proceeds along the "developmental state" Aquinas adumbrates.

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83 E.g. marriage, pro-creation (contraception, in vitro fertilization, abortion), the education of children

84 E.g. just war theory, both *ad belllum* and *in bello*

85 E.g. euthanasia, stem cells, many of the issues concerning pro-creation

86 A particular focus of multiple papal encyclicals, e.g. *Rerum novarum, Quadragesimo Anno, Centesimus annus* and *Caritas in veritate*

87 Schindler 2012

88 Ratzinger 2008, 206-7

Such considerations allow us to compare the position of Aquinas in *De Regno* to some better-known positions on the relation between Church and state.[89] Indeed, scholars have been at pains to reduce Aquinas' theologico-political teaching to a conventional category, whether hierocratic, conciliarist, or even Erastian.[90] As Cardinal Bellarmine famously once said, however, the inscrutability of *De Regno* makes this no easy task.[91]

By our first principle, it is clear that Aquinas does not espouse a hierocratic teaching after the manner of Aegidius Romanus (Giles of Rome). Such hierocracy, often referred to as "political Augustinianism" in a rather grand misnomer, subordinates the political activity of man completely and directly to his supernatural end.[92] For Eschmann, "the ultimate and preceding ends" in *De Regno*, which is to say man's grace-given and natural ends, "constitute an *ordo per se causarum*, a closed system of causes, in which the second cause per se depends on the first cause."[93] This claim has a lovely Scholastic ring to it, and it may seem to concord with the teaching of *De Regno* II.3: "the Christian People are to be subject as to our Lord Jesus Christ Himself. For those to whom pertains the care of intermediate ends should be subject to him to whom pertains the care of the

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89 I am greatly in the debt of Douglas Kries for the following discussion.

90 As Eschmann (1958, 177-80) notes, the controversy over Aquinas concerns portions of *De Regno* and Aquinas' Commentary on the Sentences of Peter Lombard, the latter of which we can consider only parenthetically. Murray (1948) considers Aquinas an Erastian after John of Paris, although he does not seem to be aware of the nature of his characterization; Acton, Finnis and Novak consider Aquinas as a kind of American-style liberal (Stoner 2007, 2 fn 1; see Kries 2013 for similar claims about Bellarmine); Eschmann (1958) and Cain (2007) consider Aquinas a hierocrat; and Boyle (2002), perhaps also Kries (2013), sees him as somewhere in between.

91 As Fitzgerald has it, Bellarmine was also reluctant to rely upon *De Regno* as an authentic text of Aquinas (Fitzgerald 1979, 526). Bellarmine frequently however does just that (Kries 2013; Eschmann 1958, 177).

92 "The *civitas Dei* cannot become an empirical political entity, as Augustine (unlike his interpreters) clearly saw…" (Ratzinger 2008, 201).

93 Eschmann 1958, 179. I am thus inclined to think that the account of *De Regno* bears a greater affinity to that of the Commentary on the *Sententiae* than Eschmann avers.

ultimate end, and be directed by his rule." Yet it should be in clear that in the teaching of *De Regno* the natural end of man does not depend upon his grace-given end. Such dependence would deny the integrity of the political activity that Aquinas outlines metaphysically in *De Regno* I.1-2 and calls *unitas pacis*, and moreover would defeat the entire gratuitous character of grace. Moreover, whilst there may be a way in which man must finally reconcile his political activity to his spiritual end, Eschmann overstates the cause in calling their relation a "closed system of causes," except in the most formal of senses. For there is nothing closed about a system of causes in which grace intervenes, and Aquinas has certainly not shown us how those ends are materially related.

By the second principle, that according to which the Church must indicate the limits of politics such that the state does not exceed it, the solution of John of Paris must also be excluded. As we noted in Chapter 3, John of Paris, or Quidort, proposes an Erastianism or caesaro-papism whereby the natural character of the state grants it absolute power over the Church. In other words, because the political community is natural, it governs the supernatural end of man.[94] Just because man has a supernatural end, Aquinas argues in *De Regno* II.2, he must have a supernatural governor, i.e. the Church. This is the entire "Christian distinction" that overturns pagan orders of civil theology.[95] Therefore, while there may be some grounds on which one can advance Quidort's position, they are not orthodox Christian ones.[96] As the wisest pagan philosophers suspected that their contemplation of the good took them beyond the confines of the polis, so the Church reminds the state that it cannot secure, and thus has

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94 *De potestate regia et papali,* Chapters 3, 7-13. This account of Quidort is at odds with that of Murray 1949, but see Griesbach 1959 and McCoy 1963, 123-6. As we noted in Chapter 3, the teaching of Quidort bears considerable affinities with that of Hobbes.

95 Sokolowski 1982, 31

96 Kries 2013, n.p.

no governance over, the supernatural end of man. We thus recall our second principle: the Church must not only remind the regime of its task, but also ensure that the regime does not exceed it.

Does this mean that Thomas Aquinas stakes a *via media* between Aegidius and Quidort? We might think that Bellarmine's notion of indirect power, which is a *via media* of a kind, bears a close relation to what we have seen in *De Regno*. For Bellarmine, the Church must govern in spiritual matters with a recognition that man is naturally political and also fallen, while the state must rule man in temporal matters knowing that man is destined for higher things.[97] As Kries aptly summarizes his teaching:

> [W]hile the spiritual end is surely superior to the temporal end, it does not follow that the temporal is simply absorbed into the spiritual, for the temporal goal stems directly from nature, which is created by God. Thus both authorities have their common source in God; the higher authority has precedence over the lower, but the lower does not have its source immediately in the higher. The spiritual authority's power over the temporal authority is therefore mediated or indirect. If, however, conflict should break out between the two, the higher end would trump the lower, and therefore priests must have precedence over princes and, in extreme situations, popes may depose kings. The simplest formulation of Bellarmine's position on the indirect power in his own words is probably the following: "The Pope, as Pope, does not have directly and immediately any temporal power, but only spiritual; yet by reason of the spiritual he has at least a certain indirect power, and that supreme in temporal affairs."[98]

The Church through the Pope is not the ruler of man toward his natural end, and it therefore has no direct rule over he who does govern man toward that natural end. Like Socrates' horseman vis-à-vis the bridlemaker, it is not the job of the Church to perform the task of the regime, nor should it dictate the terms of that task to the regime just so far

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97 *Controversies* 5.3.5, trans. Kathleen E. Murphy (New York: Fordham University Press, 1928).

98 Kries 2013, n.p. The quotation of Bellarmine is from *Controversies* 3.5.1, trans. George Albert Moore (Chevy Chase, MD: Country Dollar Press, 1951).

as the activities of the regime require prudence and judgment. The Church does have an indirect rule over that governor of man's natural end, however, insofar as that natural end impinges upon the governance of man's supernatural end. For when the state neglects or perverts man's natural happiness, then it also disorders man's natural desire to seek the good, which good the Church mediates.

It would seem, then, that Aquinas' teaching in *De Regno* accords with something like the indirect power of Bellarmine, and, so far as we can compass herein, with the teaching of the *Sentences* commentary:

> Both the spiritual power and the secular power derive from God's power. And so the secular power is subject to the spiritual power insofar as God has subjected the former to the latter, namely, in matters pertaining to the salvation of souls. And so we should obey the spiritual power rather than the secular power in such matters. But in matters pertaining to civic welfare, we should obey the secular power rather than the spiritual power.[99]

To be clear, this *via media* is not quite a liberal one. How far this approaches the teaching of the "Religion Clauses" of the First Amendment of the U.S. Constitution, for instance, is a matter of conjecture, but they are not identical.[100] Certainly the Free Exercise Clause is of a piece with *De Regno*, so long as we interpret "exercise" broadly to include acts, not merely belief, and "religion" narrowly, such that "religion" refers to man's natural

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99 *Commentary on the Sentences* II, d. 44, *ad* 4 (Regan trans, 2002). As Kries notes, one question left open by this analysis is the meaning of the teaching according to which the pope can be at the apex of both spirtiual and temporal power despite those two powers have independent causes in God (Kries 2013, n.p., footnote 25).

100 "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." A sufficient analysis of this question would require a separate study, but we can here raise some relevant questions and perhaps inspire future research.

desire to know God.[101] The Establishment Clause presents more difficulties. Were the Establishment Clause understood to maintain the distinction between the temporal and spiritual, then Aquinas would not object so far as our study of *De Regno* can conclude. Aquinas might even see prudential reasons to interpret the Clause along the lines of non-preference or accommodation, according to which the Clause permits government to foster religion in general so long as that government does not favor a particular sect. Thus Aquinas might support Congressional funding for religious education that permits religious education for Catholicism, Protestantism and Judaism.[102]

Were the Establishment Clause interpreted along the lines of Thomas Jefferson's Letter to the Danbury Baptists, however, then Aquinas would deny its validity. The regime should view its goals as complementary to that of the Church, and thus should not be opposed in principle to supporting it through schools, for instance.[103] While there may be prudential reasons for not praying in schools or including scrolls of the Decalogue in court rooms or on capitol grounds, Aquinas again would not see how the regime could in principle be opposed to such things.[104] Further, it may not be the task of a regime to mandate prayer or religious oaths for office, but a regime in which such laws prudently educate citizens in their duties to God would be a happier one than a regime in which toleration was preferred above God.[105]

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101 There may be other reasons to protect the activity of adherents of non-religions, such as Confucianism, ethical culture or vegetarianism, but they would not strictly be protected by the Free Exercise Clause on Thomas' construal.

102 O'Neill 1949, 56

103 Cf. *Everson v. Board of Education* (330 U.S. 1 (1947))

104 Cf. *McCreary County v. ACLU of Kentucky* (545 U.S. 844 (2005)) and *Van Orden v. Perry* (545 U.S. 677 (2005))

105 Cf. *Engel v. Vitale* (370 U.S. 421 (1962)) and *Santa Fe Independent School Dist. v. Doe* (530 U.S. 290 (2000))

Note again, however, that we can only speculate as to what Aquinas would say of such matters, nor can we take *De Regno* as Aquinas' final word. Yet we know that the teaching of *De Regno* recognizes that politics is a communal activity, and that man cannot legislate laws for a better sort of citizen than his community contains. Whatever the limitations of the Religion Clauses, then, Aquinas would likely agree that they represent a favorable settlement given the circumstances, even as he held out a hope for their improvement.

At the conclusion of the section on the best regime, we criticized the notion of the social contract. We can also add that it fails to register the proper role of the Church as beyond the community. For the Church stands as a constant challenge to the self-sufficiency of the state. It does not exist as subordinate to man's natural end: it proclaims one beyond it. As the divine law reminds human law that man has an end and adverts further that this end extends beyond politics, so the Church reminds the state both that man has an end and that this end is infravalent to that of the Church. Just as the social contract circumscribes the philosophical critique of convention, so any contract-theoretic relation between church and state attempts to crystallize the relation of political philosophy to political theology: certain theological facts about rights, conscience and the person are accepted as part of our political discourse, and other importations of political theology are off limits. This move again limits the moral development of a community: what a community knows and can agree on at a given point in time is not obviously all that they can and should know, and in any event they are likely to recede even from that level of agreement just because it becomes a given rather than a question. This theologico-political strategy also, moreover, distorts political philosophy. Attempting to codify what theological data are and are not legitimate in public discourse can stunt the ability of philosophy to inquire into man's end, or pervert it insofar as political

philosophy becomes the exclusive realm of metaphysical speculation about such things. It is a key function of the Church to sound the alarm on such matters.

Thus, above all, this vision of regime has directionality: it is a moral progress or education, and the people of that regime either grow in virtue or stagnate and decline in vice. Our king wants to learn to rule well, just as any would-be ruler would. But does he know what it means to rule well? Is what he thinks he knows true? Is what he knows to be desirable also possible for his regime? Can he evaluate the excellence of his people to determine what they need here and now, and the excellence of himself to determine whether he can give that rule to them? These are not questions that inspire complacency about one's knowledge and accomplishments. These questions invite one to "live the tension" between philosophy and theology, as Fortin urged. In *De Regno*, man's reason leads him to ask questions beyond himself and his community; revelation leads him to ask questions about himself and beyond the world. In the interplay between these two sources of wisdom, each community can move toward an understanding of the whole. What Guerra argues of theologians is true more generally of modern men: "theologians needs the moral and intellectual courage to think seriously about what faith and reason jointly allow us to know about ourselves, our world, and God."[106]

MODERATION

I have argued throughout that Aquinas' approach to politics, which he enjoins to us, is an exceedingly rational one. It might be helpful to say a few words about the ways in which his political proposals are moderate and tolerant. Or, rather, we can collect the already-considerable reflections we have adduced about them.

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106 Guerra 2010, 108-9

First, their character as moderate. What is moderation in politics? We should note that the meaning is analogous to moderation as a quality of the soul, which is to say a virtue. Thus, for Socrates in the *Republic*, moderation in politics is a harmony between the parts of the polis as moderation in ethics is a harmony between the parts of the soul.[107] This harmony, in turn, depends upon the moderation of appetitive desires: on the part of the lower class in the polis and in the appetitive part of the soul. While Aquinas does not speak of moderation in the analogical sense as a quality of the city, he does espouse a notion of the virtue of moderation (*temperantia*) that is consonant with that of Socrates, defining moderation as the rule of reason in man's soul through reason's governance of the passions.[108]

How do such views square with modern notions of political moderation? Consider the following quotation:

> Moderates start with a political vision, but they get it from history books, not philosophy books. That is, a moderate isn't ultimately committed to an abstract idea. Instead, she has a deep reverence for the way people live in her country and the animating principle behind that way of life. In America, moderates revere the fact that we are a nation of immigrants dedicated to the American dream — committed to the idea that each person should be able to work hard and rise.[109]

For David Brooks, moderation is grounded in the concrete circumstances of a political context. In opposing it to a stance dictated by "philosophy books" or an "abstract idea," Brooks means to draw out the essentially pragmatic nature of political moderation. Yet this is not the sort of pragmatism that trades anything for whatever: it loves what it

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107 See e.g. *Republic* 431a-b and 441e-42d. I cannot of course do justice to the complexities of moderation in the *Republic*.

108 *ST* II-II.141-70. Aquinas notes the close relation between moderation and courage at 141.6.3 *respondeo*.

109 Brooks 2012

knows. As Brooks' argument emphasizes, the loved and familiar, the "animating principle" behind a "way of life," becomes the baseline for political activity. Often we think of moderation as a kind of middle ground between extremes, and this is both true and false. It is true insofar as moderation is often articulated against positions of change and reform, and the "moderate" is the one who favors pursuing none of the reforms in excess. Yet as an active appeal to strike a balance between such conflicting claims, moderation typically rests on a judgment that the status quo does not call for the revolutionary changes that are suggested. What changes ought to be effected, moreover, ought to be brought about in a spirit of prudence and caution that preserves what is good in the status quo and guards cautiously against ill-advised innovation. What Brooks shows, however, is that when we speak admiring of "moderation," we tend to emphasize a prudent restraint opposed to radicalism, a realism guarding against idealism, and a love of one's own that eschews utopianism.[110]

For a modern like Brooks, then, moderation is a quality of stability that does not deny the dictates of reason but seeks to limit the hazards of abstract rationalism. Any reform must maintain such stability. This, of course, is part of the intentional irony of Socrates' imagined republic: its so-called moderation emerges only through a radical revision of society built upon the "three waves" (radical sexual equality, the abolition of the family and rule by philosophers) and the exile of everyone over the age of 10.[111] Brooks would no doubt vociferously object to Socrates' proposals. Radical political reform disrupts the equilibrium between the parts of the city that makes good whatever is

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110 Craiutu 2012 is one of the few recent book-length scholarly accounts. I am grateful to Laura Rabinowitz for discussions on this point.

111 Socrates describes objections to his reform as "waves" at *Republic* 457b-c, and rather off-handedly mentions the exile at 540d-541b

good about it. Such reform, moreover, can never promise to be as good in practice as it looks on paper.

As to Aquinas' suggestions in *De Regno*, however, Brooks would be far more tolerant, and indeed challenged. Perhaps we might put it this way: Aquinas proposes radical ends through moderate means. Aquinas recognizes Brooks' concern that justice be implemented in a cautious and measured manner. To be sure, Aquinas calls on our king to ask how his rule aligns with the celestial end of man. He does nothing less than stage an encounter between God and man, drawing man's attention to that revelation of God as the gift and challenge of man's existence. In our study of *De Regno*, however, Aquinas has not proposed we turn society upside down. As the fruit of a kind of progress or education, this community does not propose the radical re-ordering of society on alien terms. It further does not demand that everyone immediately cede to the final end of the community. Rather, Aquinas invites us to question the basic needs of our society, how they are best obtained, and how we can always keep one eye on the question of our true and final excellence as a community of humans. He suggests gradual reform determined by a careful consideration of current political circumstances. He has also, I might add, provided numerous examples of regimes that attempt and fail at such reform, thus constantly moderating the expectations of our king and chastening his ambition. There could be nothing less precipitous or immoderate than the education enacted in *De Regno*. This is no *politische Theologie* that urges the transformation of the state into a holy object and man into a perfect saint. Aquinas is far too much the realist to expect overnight change, and his emphasis on political reform as an education shows that he hopes for long-lasting, and thus slow-built, change in the hearts of men, not revolution by fiat in

institutions and laws. Aquinas' Augustinianism is a great source of moderation for his political work.[112]

Brooks speaks of a love of the familiar, and any politics to be moderate must have a healthy respect for what is and what is possible. Thus we come to the problem: how can the conventions of a city, what that city loves and takes to be its "animating principle," be scrutinized and subject to the criticism of higher aims? How, in other words, can moderation truly lead to the rule of reason?[113] While I take Aquinas to be concerned about Brooks' concerns for moderation, Aquinas would no doubt push Brooks on the necessity of justice: Aquinas certainly does not represent the sort of political moderation that rests content with the past achievements of a regime.[114]

TOLERATION

Along with moderation, we might consider another topic relevant to modernity: how tolerant is the teaching of *De Regno*? First we must ask: what is toleration? We might characterize it as prudent forbearance and neutrality. Rather, a state might be tolerant insofar as it abstains from suppressing or rejecting an activity because not to do so would be imprudent, which we might denominate "prudential tolerance." A state might also be tolerant insofar as it claims to be neutral on matters concerning a subject,

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112 As Schall has it: "Augustine is like Machiavelli because he sees the deep resources of disorder in the human city, even when populated by Christians. He is unlike him because he knows himself, knows that the disorders arise from the human heart, from a heart such as that possessed by the actual Augustine," (Schall 1997, 7).

113 In some sense this is the question of the revolutionary character of the American Revolution, as Diamond nicely explains in his revealingly titled "The Revolution of Sober Expectations" (1974).

114 Brooks does not address one possible ramification of moderation, namely preserving laws, rather than endless reform, such that through time familiar laws build upon and themselves become customary. Aquinas addresses this at *ST* I-II 97.2.

e.g. religion, morality or differences in language, race or ethnicity.[115] Toleration in the latter conception could be supported by notions of respect, dignity, autonomy and individualism, but also relativism and historicism.[116] This we will call "principled tolerance."

We noted in Chapter 3 that tolerance is not the central concern of Aquinas in *De Regno*, and moreover that he would not see tolerating any particular idea or activity as an end in se. We were speaking of his rejection, as it turns out, of the latter sort of toleration, one aiming at neutrality between or affirmation of pluralism. Aquinas does not prescribe toleration in this sense. To see the teaching of *De Regno* in full, however, we should recall that in *De Regno* Aquinas guards carefully the distinction between the temporal and the spiritual, if out of a concern more for the latter than the former. This makes him sympathetic to claims for principled tolerance to a degree: Aquinas is clear that government does not direct man to his final good (*De Regno* II.3). In light of these considerations, we might think the more strongly that Aquinas intends no Gregorian hierocracy by his arguments in *De Regno*. Close fusions between "church" and "state," whether Gregorian or Erastian, blur distinctions of the greatest necessity. The political authority of a regime has an important task, as Aquinas establishes in I.1, and it is not that of the Church. To miss this point is to deprive man of the noble task of politics, a task, moreover, that is propaedeutic to tasks still nobler.

That sympathy only exists to a degree, however, because Aquinas desires that community to realize its potential beyond the political, to grasp that the community is constituted toward something beyond political authority. Aquinas argues that the final good of citizens is not something to be individually pursued in private, but rather its

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115 King 1976, 44–54

116 Mill's *On Liberty* encapsulates many such arguments.

pursuit should be an activity constitutive of the community beyond the political. Just because this realization of communal good requires education, however, as we have noted throughout this study, Aquinas has advocated the toleration of a teacher, that which accepts the blunders and mistakes of novices. It would seem, then, that the endeavor toward excellence that Aquinas prescribes is the source of toleration in his political thought.

Another point we might miss is this: Aquinas nowhere raises the issue of the use of coercion for the purposes of faith in *De Regno*. Indeed, this is something we should take very seriously. For Aquinas has had much to say on the duty of the king to secure man's end, and surely the use of the regime's force in matters of heresy and apostasy would be a cardinal feature of that duty. The lack of any overt reference to force in the service of faith cannot in itself demonstrate that Aquinas foreswore such measures. That said, such abjuration could be complementary with the explicit arguments of *De Regno*. For we have seen Aquinas claim that the tasks of the Church and regime must be clearly distinguished. We have also seen him elaborate an education of our king and his citizens, one characterized by reason and persuasion rather than by force and threats. The need for the Church to present itself as a disinterested teacher and prophet, to prove its temporal power to be truly indirect, may rule out such appeals to force. I would also note that, at least in I.1-6, Aquinas seems to be ambivalent about the ability of the regime to cultivate basic moral virtues in its citizens, let along enforce the higher dictates of the Church. Whatever claims we may recall from other works of Aquinas, the argument of *De Regno* does not exclude the possibility that the state be banned from using its force for spiritual purposes.

Yet we may not be content with such an answer, as it is well known that Aquinas in other works advocates for the use of coercive state power in the name of faith.

Granting that Aquinas does not address the use of a regime's power to enforce the faith in *De Regno*, should we not yet imagine from his advocacy of it in such work as his *Letter to the Duchess of Brabant* and in the *Summa Theologiae* that the use of coercion in matters of faith is at least implicit in *De Regno*? [117] Perhaps, in fact, the reasons I have cited above to believe that Aquinas disavows such force are in fact only reasons to remain silent on such force. After all, we have seen Aquinas establish principles for thinking about certain topics in *De Regno* toward the education of our prince rather than explicitly setting policy guidelines on them. Allow me then an excursus on this question, which may in any event be useful for exploring the limits of Aquinas' prudential toleration in *De Regno*.

When a community is faced with unbelief in their midst, Aquinas explains in the *Summa*, they must first recall that belief is an assent of the will to truth. Two sorts of failures of assent are possible, and thus two sorts of cases present themselves: pagans and heretics. Pagans simply deny this assent to Christ. The heretic, on the other hand, assents to Christ yet in a disordered way, for "he fails in his choice of those things wherein he assents to Christ, because he chooses not what Christ really taught, but the suggestions of his own mind."[118] Aquinas proceeds to argue that heresy is punishable by death. Yet while heresy merits such punishment, that judgment comes from the Church. The Church for her part, however, is not animated simply by justice, but also by charity and mercy. She may then tolerate heresy if she thinks admonitions likely to bring a heretic back, and in the case of repentance ought to restore the former heretic to his full rights and benefits in the Church.[119] Of course there is a limit to such toleration, and she may yet hand over

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117 See *ST* II-II 10-15 for his full (later) argument; cf. Keys 2006, 226-38
118 *ST* II-II 11.1 *corpus*
119 *ST* II-II 11.4

the heretic to the regime for punishment. Nonetheless, such mercy is central to the mission of the Church as a teacher of men and, further, it is the Church, not the regime, making such decisions.

As Aquinas goes on to explain: "it is not within the competency of the Church to punish unbelief in those who have never received the faith, according to the saying of the Apostle (1 Corinthians 5:12): 'What have I to do to judge them that are without?'"[120] What kind of toleration, then, does this imply for those who do not assent to the truth of Christ, e.g. pagans and Jews? I will note two forms of toleration Aquinas advocates in the *Summa*: obedience to pagan rulers, and the right of Jewish parents to raise their children as Jewish. In both cases, Aquinas invokes the natural law to defend such toleration. Christians owe obedience to pagan rulers because "dominion [dominium] is a device of the law of nations [*ius gentium*] which is a human law: whereas the distinction between believers and unbelievers is of Divine right, which does not annul human right."[121] In other words, the lordship that a prince has over his people arises from natural justice, not from divine law. Thus political authority need not be Christian, although without doubt it is preferable that it be.[122]

Aquinas argues against the forced conversion of Jewish children to Christianity, writing "it would be an injustice to Jews if their children were to be baptized against their will, since they would lose the rights of parental authority [*ius patriae potestatis*] over their children as soon as these were Christians."[123] Aquinas makes such an argument fully aware that it contradicts the teachings of many doctors of the Church, as he explicitly says of Augustine and Jerome, and the practice of many Christian princes, explicating

120 *ST* II-II 12.2 *respondeo*
121 *ST* II-II 12.2 *respondeo*
122 *ST* II-II 10.10
123 *ST* II-II 10.12 *sed contra*

citing Constantine and Theodosius, who were advised by "most holy bishops": Sylvester and Ambrose.[124] In the face of such powerful authorities and counterarguments, Aquinas holds that forcible conversion violates natural justice, which is to say the responsibility of the parent to the child. Further, he adds, such forced conversions are deleterious to the faith, for the children are likely to become apostate. Indeed, the rites of non-Christians are generally to be tolerated when more evil than good would fall from their suppression.[125]

One cannot call these texts the model of Lockean toleration. We can see, however, that according to the *Summa* Aquinas adumbrates a fairly wide ambit for toleration. I will argue now that it is one that we can see more clearly in *De Regno*. We might say that toleration can be enjoined along three principles: (1) the natural law; (2) the moral and spiritual development of the people; and (3) the relation between church and state. For just as Aquinas confirms the natural necessity of the city and the integrality of its end in *De Regno*, so in the *Summa* Aquinas argues that Christians must tolerate the *dominium* of non-Christian rulers. Indeed, is this not the implicit teaching of *De Regno* I.1-6? We have in those chapters a king who seeks to secure the final end of his people, but his first responsibility is to restore a modicum of peace for them. Indeed, throughout *De Regno* Aquinas argues for the necessity of political authority independently of an consideration of religion, and makes clear in his critique of civil religions that the prince's legitimacy in no way depends upon his fitness to celebrate theologico-political liturgies. Further, Aquinas extends this concern to the family. Like the regime, the family has a necessary role, that of rearing and educating children, and this is not a job the

124 *ST* II-II 10.12 *respondeo*

125 *ST* II-II 10.11. For Aquinas, the Jews are superior to other non-Christians in that their religion is ordained by God and foreshadows the Christian religion.

Church or regime can usurp. Thus Aquinas can boldly argue that Jews, who deny that Jesus is the Son of God, can nonetheless raise their children according to their teaching just because they are the parents of said children.

Second, the moral and spiritual development of the people. The Church has an obligation as a font of mercy to teach and reform heretics if it can. Moreover, should punishment be ineffectual or futile, perhaps in a fundamentally non-Christian society, then punishment is not required, but rather evangelization.[126] We see in the *Summa* that the Church must be merciful with heretics. All the more so, we see in *De Regno* that the Church must through the divine law indicate the task of human politics and remind princes of the limits of human activity. Note at I.6 Aquinas' call to the people to convert from sin to avoid tyranny. There is an implicit threat of Hell, no doubt, but Aquinas does not argue for their juridical punishment but for the consequences of their moral failures. Moreover, in those chapters the king himself sees mirrored his struggle to understand what that final end is, beatitude, and comes later to understand after that, in Book II, that he himself does not secure this end for his people in some kind of Gnostic Erastianism. Even as our royal reader comes to understand his political task better, he must be worried that his people will be some steps behind him in their understanding. Then he is called to toleration in his pedagogy toward them.[127]

This leads us to our third point. As I noted above, according to the *Summa* the Church and not the regime judges matters of heresy. If a regime is not a Christian one,

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126 Aquinas notes that the Church has been particularly tolerant of heretics and pagans "when they were very numerous" (*ST* II-II 10.11 *respondeo*).

127 My interpretation is thus at some variance with that of Mary Keys, who sees "insufficiently check indignation" more than mercy underlying Aquinas' reasoning in these questions of the *Summa* (Keys 2006, 226). While there are no doubt differences in our conclusions, perhaps part of the difference arises from the contrast in our approach: whereas I do not expect tolerance to play a central role in Aquinas' political thought, Keys expresses considerable surprise that Aquinas might advocate such force.

then the Church would in many if not most circumstances not wish to turn over heretics for punishment by it. Moreover, should the regime be not only pagan but also hostile to Christianity, then the Church, as we also noted above, will be in its orientation directed more to evangelization, which is to say instruction in faith through mercy and charity, rather than to punishment. It will, moreover, be more concerned about protecting its liberty and that of its faithful than enforcing its prerogative under such a regime. The distinction that Aquinas repeatedly elaborates between the spiritual and temporal in *De Regno* becomes ever more important in such a context, because it means that the Church accepts a broad toleration because of its relation with the regime. Indeed, the Church may not only not be able to deliver heretics to the state for punishment, but in many cases it may well prefer not to do so.

This last one is a point worth emphasizing, for it is a "historical" one, namely that the concrete constellation of relations between church and state at any one moment matter to the possibilities of perfecting those relations, much as the development of a people itself reflects the possibilities at any given time for the best regime.[128] It also invites further consideration of the parallels between Aquinas and Augustine. As is well known, Augustine was at least at some points in his life a proponent of the use of force to check heretical or apostate citizens.[129] Given his tremendous ambivalence as to the use and abuse of political power, however, one can imagine that Augustine harbored no great hopes that such violence would restore moral order to a community. For typically such exercises of power would be clumsy at best, the state using raw power to check heretics yet failing on a more quotidian basis to inculcate even the most basic virtues in its

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128 As Maurer argues, while we do not often think of Aquinas as a historical thinker, it is precisely man's freedom that makes history possible, and man is free because he is rational (Maurer 1979, 11-3; cf. *ST* I-II 17.1 ad 2).

129 Brown 1964, Rist 1994, 203-55

citizens, or downright dangerous, as with a political power using heresy as a pretext to consolidate and expand its power. Such consideration could well explain Aquinas' lack of enthusiasm for advocating such measures in *De Regno*. After all, while he adumbrates principles of political theology in both the *Summa* and *De Regno*, in *De Regno* Aquinas makes clear that most regimes fall well short of realizing such principles. Such awareness of the limitations of political power may perhaps incline him to favor prudential tolerance, and thus the absence of state violence, more than one might suppose.[130]

In another work, however, Aquinas seems to call into question our claims about the role of toleration in the *Summa* and *De Regno*. In the work known variously as the *Letter to Margaret of Flanders*, the *Letter to the Duchess of Brabant*, and *On the Government of the Jews*, Aquinas considers how a ruler ought to deal with non-Christians insofar as they engage in activities considered illicit by Christians, in this case how the Duchess may deal with the proceeds of the financial activities that sustain the Jews in her demesne, which activity Christianity considers usury.[131] Aquinas' chief argument is that the Jews may be dealt with harshly insofar as they profit from sin; particularly, their usurious profits may be confiscated from them. This is undeniably harsh language. In the context of usury, however, a highly polemical and charged issue in mediaeval Europe, it is striking what Aquinas goes on to write.[132] For if the Jews may be deprived of the profits of usury, yet the Jews may not be dealt with in such a way that "the necessary subsidies of life" are taken from them, nor can novel or innovative burdens be imposed upon them: "the services coerced from them do not demand things that they had not been

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130 I am grateful to Luke Perez for discussions on this point.

131 It is not clear that this *Letter* was actually requested by or addressed to Margaret of Flanders (Boyle 2000, 105-21). I will quote the Thomistic Project translation, citing according to the response.

132 Hood 1995, 81

accustomed to do in times gone by, because those things that are unexpected more often rattle souls." Further, these usurious profits no more belong to the Duchess than to the Jews, so she should seize them not for her personal gain, but for "pious uses" and the "common utility," particularly restitution to the debtors apparently defrauded by the usury (First Response). Intriguingly, Aquinas later goes on to speak of the advantages of securing reasonable employment for Jews that does not involve usury (Second Response). The proceeds from usury, then, could potentially be used for providing for the integration of the Jews into the Christian economy, which not incidentally would shelter them from charges of usury and the threat of punitive financial levies.[133]

The *Letter to the Duchess of Flanders* shows Aquinas again confronting calls for persecution with appeals to natural justice and the moral education of peoples. The Jews' right to material sustenance must be respected, much as in the *Summa* their rights and duties as parents must be protected, and while Aquinas does not exclude the possibility of punishment, the aim of the Christian ruler in dealing with them should be reform, as is most obvious in his suggestion about new forms of employment for Jewish peoples. While we may find Aquinas' discussion of the Jews condescending, I would again note that it bears themes we have come to know well in *De Regno*. Particularly, Aquinas' demand that the Duchess use the confiscated money for the common good, including that of the Jews, bears a strong affinity with his desire in *De Regno* that the king exercise his office not for his own private gain, but for the people. There is thus a counsel to mercy here that would otherwise be ignored or rejected by ambition.

This survey of the *Summa* and the *Letter to the Duchess of Flanders* suggests that Aquinas takes there to be a number of grounds for toleration. Let us also note that, as far

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133 Aquinas thus may be seen to argue implicitly against contemporary laws that forbid Jews employment other than the banking activities that incurred persecution.

as most scholars can tell, Aquinas composed *De Regno* before either the *Summa or the Letter*.[134] Thus, the concerns we see in *De Regno* are not forgotten or dropped, but maintained and developed as he continued to ponder matters political. Of particular moment are the continued distinctions he makes between the temporal and spiritual, and the new role of the family that emerges. While Aquinas perhaps does not advance the cause of toleration as far as we like, we have found surprisingly secure foundations for it in Aquinas' work, foundations that could perhaps be further elaborated for periods in which cooperation between the Church and regime is minimal.[135] Indeed, for modern liberals Aquinas' emphasis on the importance of the regime, apart from any religious task, indeed must be welcome. Yet, as we have noted with reference to the social contract, the point of such toleration is not to freeze man's growth toward virtue, but to open him up toward it. There is of course no guarantee that such discussion will lead to convergence: the question is just how far we do agree. Aquinas would urge Western societies to recover an image of the modern state as a place for education and growth, one in which "citizenship" is not a juridical classification of a static political category, but an orientation or way of life open to the integral development of each citizen.[136] Citizenship should be understood as a kind of education, one in which ideas that are at the basis of political community, including justice, liberty, virtue and man's happiness, are explored and contested.

Such endeavors are particularly important in conditions of late modernity, during which international cooperation has been a key theme. Yet international political community is no substitute for national political communities. As Aquinas shows in *De*

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134 Eschmann 1956

135 One might consider Maritain's analogy between mediaeval and modern Christian politics in *Integral Humanism* (Maritain 1968, 143-53; 162-207).

136 Pocock 1995; Villa 2001; Collins 2006

Regno, some of the most important political questions arise in quotidian experience, e.g. the problem of distinguishing the king from the tyrant, of knowing how one can interact with citizens with whom one has little in common, leading to questions about the nature of rule, citizenship and justice. These are not experiences, however, that communities are typically good at articulating, and they do not easily draw necessary questions from them. Indeed, while the "reward of the king" is a key political question, Aquinas has to transform the meaning of the question completely to direct the attention of the king to the common good. In other words, if meaningful political conversations within small communities are hard work, how much more difficult will they be in the modern nation-state? Between nation-states?

For this is the question: what is to be more highly valued, unity toward the truth or tolerance?[137] Disagreements are virtually inevitable with man, and surely tolerance will always play a role in politics. As Aquinas has it in *De Regno*, politics is an education, meaning that a community must learn to tolerate disagreement concerning what is in dispute and what can be legitimately dissented from. But if the community prizes tolerance above all else, they may find the very foundations of tolerance, namely a vision of man who desires to do good and to have good done to him, under threat.

CONCLUSION

De Regno is preoccupied with the best way of life from the beginning, as we noted with the allusion to Cicero's *De Oratore* in the prooemium. According to Thomas Aquinas, the best regime is the rule of the virtuous man directed toward human virtue and

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137 Of course, this is finally a false dichotomy, as tolerance is a kind of truth whose elevation as a central political good grants a regime a certain unity, with serious consequences for the pursuit of other goods (cf. Budziszewski 1993).

open to the teachings of divine revelation. The best form is monarchy, but behind that question are deeper ones about the end of the regime: will a given community allow the most virtuous men to lead them to virtue, and will they leave themselves open to something greater than themselves? That inquiry into the best regime, what it is and where it can obtain, remains foundational for Aquinas' enterprise in *De Regno*, and he recommends it as propaedeutic to the role of revelation in politics. Indeed, Aquinas' teaching on revelation in I.7-II would make little sense without the regime typology of I.1-6. Yet Aquinas' invocation of revelation transcends that classical quest insofar as revelation possesses knowledge of man's end, and the means to it, beyond man's reason and beyond the world. As we noted in Chapter 3, where classical philosophy meets aporia, Christian revelation claims to provide a decisive answer. The divine law, not the human law, must finally be trusted to rectify man's will toward the good.[138]

Our analysis of the coming-into-being of this regime, moreover, reveals it to be tolerant and moderate. This is because, like classical philosophers, Aquinas can distinguish between the desirable and the possible. More broadly, *De Regno* uncovers the close connection between political science and the search for the best regime: what we know and say about man founds that science as an investigation about the best regime and the best man. Whereas classical political science takes its point of departure from the distinction between convention and nature, Aquinas' political science further considers the distinction between nature and grace.

Can the best regime be realized in our time? In the short term: no. In the long term: probably not. As we have noted throughout this study, Aquinas' vision for politics in *De Regno* is considerably at odds with modern prescriptions for politics. We have already noted the modern insistence on toleration as a central political good, the modern

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[138] *De Regno* I.7-11 and *ST* I-II 91.4

tendency to view the common good as instrumental, and the commitment to democracy to the exclusion of other regimes. For Aquinas, however, toleration is a prudential necessity, the common good is clearly not merely instrumental, and democracy pure and simple, besides being incredibly rare, can at best be only one of a range of legitimate regimes, and is far from the best. Behind these differences between Aquinas and prototypical modern thinkers, we might discern diverging understandings of the relationship between law and virtue, between reason and faith, between the ends of government and man, and between man and God.[139] Such differences will not be overcome in a lifetime.

Yet, I hasten to add, we can answer affirmatively our original question: can explicitly Christian principles be introduced into our political life without prejudice to our commitments to toleration, moderation reason? Can these principles even strengthen reason? For Aquinas' understanding of what humans are meant to become, and what they need to attain to that flourishing, are far from as foreign as we might think. Further, while philosophy and human reason are in need of rehabilitation in our time, I would submit, in line with the teaching of *De Regno*, that revelation can prompt us to ask questions of ourselves and our communities, challenging us to ask what we say about ourselves, what we think about ourselves, and what of it is true.

Particularly, Aquinas invites us to reconceive the relation between religion and politics. Does the divine law pull us away from the terrestrial, distracting us from the challenges before human community? Or does it elevate the dignity of all that man is and does, prompting him to turn more seriously to the task of justice and friendship between men? No one doubts that a crisis of reason has arisen in the West, leading some to argue

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139 Just how such differences have arisen also occasions great controversy, much less whether we can find anything like the root cause of modernity.

that "in our age it is much less urgent to show that political philosophy is the indispensable handmaid of theology than to show that political philosophy is the rightful queen of the social sciences..."[140] Yet perhaps we ought to think of revelation as a means whereby the power of reason can be restored rather than a dangerous intruder. This, anyway, seems to be the thought of Aquinas in invoking the divine law in *De Regno* to direct man's attention to the difficulty and nobility of politics.

Perhaps, then, fears about a faulty "separation between Church and State" do not grasp the true danger to our regime, nor do religious citizens necessarily help their cause in endorsing such a Jeffersonian construction of the American political-religious settlement.[141] In our time, for instance, we have seen a resurgence of natural law talk on the so-called "Christian Right," but it is not always clear that secular interlocutors take reason seriously enough for such arguments to be persuasive.[142] Perhaps arguments from revelation could challenge arguments from narrow conceptions of reason, alerting us both to understandings of the cosmos beyond earthly philosophies, as Hamlet told Horatio, and

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140 Strauss 1964, 1

141 Perhaps the American pre-occupation with the First Amendment has limited our thinking about the relation between religion and politics in the U.S. A cursory view of the Anti-Federalist essays makes clear that we have significantly narrowed the conversation, ignoring more fundamental questions about the relation between religion and the American regime in favor of more circumscribed juridical concerns. For instance, as Storing explains, while the Anti-Federalists favored the toleration and (with some qualifications) the rights-centered language of the U.S. Constitution, they worried that the new constitutional edifice failed to recognize the necessity of religion both as a moral educator and as deterrent against crimes. Further, some Anti-Federalists, in line with their broader concerns about national unity, questioned whether the colonies were too religiously diverse to support a national constitution of the sort envisioned by the Federalists, and further that a lack of "any publicly useful religious foundation for the nation as a whole" would lead to the invocation of "some other foundation of political morality – which the Anti-Federalists foresaw would be an aggregate of selfish interests held together by force," (Storing 1981, 22-23).

142 It is a conversation largely inspired by Finnis 1980, but also by the extensive work of Robert P. George.

reminding us that the achievements of modern philosophy are necessarily questionable because of man's weakness. Aquinas can both challenge modern thinkers to move beyond stale and intractable intramural disputes while also cautioning "postmodern" thinkers about their hasty abandonment of reason.[143]

Further, Aquinas casts political activity as an activity of learning precisely to remind us of the limits of man's reason and the foibles and flaws of convention. Much as *De Regno* is itself a kind of education or *speculum principis* for our royal reader, so men must conduct the tasks of politics with an eye toward how they themselves grow in their roles as political subjects, both in their development of reason and experience and in the uncovering of their characteristic weaknesses or limitations. Aquinas takes politics to be a practical activity, that is, directed toward an end sought within a particular and contingent context. This is the true "art of the possible," and the grounds for Aquinas' "developmental state" that I claim characterizes the movement of *De Regno*: a political community learns and grows as it develops an understanding of its end and how it can best pursue it hic et nunc. If we were expecting a harsh and utopian Aquinas who would violently refashion conventional community after his theoretical vision of politics, we were deeply gratified to be proven wrong. To restate the significance of the best regime: it serves to guide reflection in the regime in which we now find ourselves, not to condemn us as inadequate. Thinking of politics as an education reminds us of the temporal aspect of politics and urges us to balance immediate experiences and needs with those of the *longue durée*. In fact, Aquinas asks us how we can steer between a "realism" that sees in every failure proof that man can do no good, and a Gnosticism that refuses to learn hard lessons from the inevitable failures of man. To see politics as an education,

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143 Cf. the exchange in Habermas and Ratzinger, 2006. Thanks to Ben Gregg for thoughts on this dialogue.

however, we must first see politics as the activity of men, not that of faceless structures and processes.[144]

And to where does this education lead? To happiness. Throughout *De Regno*, Aquinas calls us to happiness. As we suggested in Chapter 3, Aquinas practices an ethics and a politics of happiness. We might call it an inversion of the "Augustinian imperative": revelation does not make politics its instrument for violence, but revitalizes it with a new sense of man's purpose on earth toward peace.[145] One does not use politics as a weapon against those who disagree with you, but rather seeks through public life to attain toward unity dialectically whilst acknowledging pluralism. The challenge is to defend political life as natural through a Church conceived of as prophetic. To defend political activity as natural, moreover, requires articulating man's natural end and the ways in which he fulfills it communally. Yet such efforts entail careful discernment of those things which draw men toward them, whether wisdom, pleasure, honor or something else, thus leading to the cautious criticism of political convention and of institutions. This task, then, requires political philosophy, one that identifies the end of man as distinct from the claims a regime might make about him, and one that thus recognizes the limitations of man and his community. In all such activities, man's natural wonder and desire to know must be encouraged.

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144 Along these lines, James Q. Wilson's *Bureaucracy* is an incredible study of how institutions grow and change precisely as products of the activity of men and the man-made structures that bind them.

145 Connolly 1993 describes "the Augustinian imperative" as "the insistence that there is an intrinsic moral order susceptible to authoritative representation," an "obligatory pursuit" of investigating and realizing one's "morality identity through de-moralization of the other" (xvii-viii). Connolly's notion of "critical pluralism" perhaps has some parallels with Aquinas' proposals in *De Regno*, but Aquinas would view this pluralism, as with that of Rawls and Maritain, as something to be regretted and overcome so far as possible (Connolly 1993, 28-30, 88-90).

To conceive of the Church less as an institution with privileges and prerogatives than as a prophetic voice is not to say all that one might say about her.[146] In fact, grasping the full meaning of *De Regno* for our time requires that we recover an understanding of Church, revelation and prophecy that has largely been neglected in political theory since the critiques of these concepts in the works of Hobbes, Locke and Spinoza.[147] Yet what we have uncovered of the Church herein does capture something like what one must know to adumbrate adequately a political theology. In articulating man's grace-given end, the Church can remind a regime that it is called to great things, both in its promotion of man's earthly activities and in its role in allowing man in his excellence to transcend earthly virtue. Such promptings ought to encourage men, then, to turn to political philosophy to explore the proper role of the regime. Thus the source of greatest wonder, the vision of God, can through its partial realization in the Church be a prompting to man about the full range of his needs and ends. This is not Carl Schmitt's political theology.

The sum total of these two goals is to conceive of politics less as a battle between institutions and more as a question of the ends of man. Accordingly, we may expect no immediate implementation of the best regime according to Aquinas. Yet his teaching in *De Regno* is after all not meant to be magically applied, but rather to meet us where we are and lead us beyond it. Perhaps this is his true gift to us. For we rightly worry that the fragile peace that underlies Western politics will be disrupted in the coming era, and particularly whether that disruption will come in the form of intolerance for differences of religion and ways of life that have become more or less politically neutral in recent

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146 Indeed, we may well have come to conclude that the interpretation of *De Regno* is a task more for the theologian than the political philosopher.

147 See Beiner 2011. One could point to some interesting exceptions, e.g. Agamben 2012 and Schmitt 2008, although they tend to appropriate of theology for distinctly post-modern purposes, which is to say not in the service of a reason intelligible to that very theology.

centuries. The grounds of that neutrality, one could urge, have been forgotten because its necessity has been obscured.[148] Liberalism may indeed have become a victim of its own success.

Yet we can also wonder if the real source of danger lies in another intolerance, namely an antipathy for the provocative questions that have always undergirded political philosophy, and a fortiori political theology. Aquinas' solution to the ills of modernity is no "solution" in the traditional sense: it is a call not simply to question how we practice democracy or how best to defend liberalism, but rather to question man as such. We may then see whether that inquiry leads to a sounder defense of liberal democracy, or to some new chapter in man's communal life.

148 Owen 2004 and Gillespie 2008

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